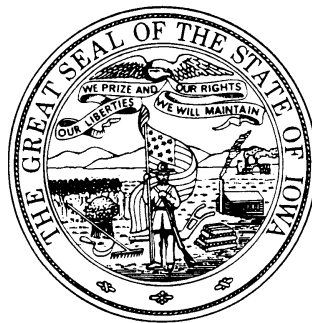


IOWA COURT RULES

FIFTH EDITION

December 2021 Supplement



Published under the authority of Iowa Code section 2B.5B.

PREFACE

The Fifth Edition of the Iowa Court Rules was published in July 2009 pursuant to Iowa Code section 2B.5(2). Subsequent updates to the Iowa Court Rules, as ordered by the Supreme Court, are published in electronic format only and include chapters that have been amended or adopted.

The Iowa Court Rules and related documents are available at www.legis.iowa.gov/law/courtRules.

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Inquiries. Inquiries regarding access to the Iowa Court Rules should be directed to the Legislative Services Agency's Computer Services Division Help Desk at 515.281.6506.

Citation.	The rules shall be cited as follows:
Chapter 1	Iowa R. Civ. P.
Chapter 2	Iowa R. Crim. P.
Chapter 5	Iowa R. Evid.
Chapter 6	Iowa R. App. P.
Chapter 16	Iowa R. Elec. P.
Chapter 32	Iowa R. of Prof'l Conduct
Chapter 51	Iowa Code of Judicial Conduct
	All other rules shall be cited as "Iowa Ct. R."

Supplements. Supplements to the Fifth Edition of the Iowa Court Rules have been issued as follows:

2009 — [August](#), [September](#), [October](#), [November](#), [December](#)
2010 — [January](#), [February](#), [March](#), [May](#), [June](#), [August](#), [September](#), [December](#)
2011 — [February](#)
2012 — [January](#), [May](#), [June](#), [August](#), [September](#), [December](#)
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2020 — [February](#), [April](#), [June](#), [September](#), [October](#), [December](#)
2021 — [April](#), [May](#), [June](#), [July](#), [August](#), [September](#), [October](#)

December 2021 Supplement

Changes in this supplement

Rule 9.1 Amended
Rules 9.3 to 9.6..... Amended
Rules 9.9 to 9.12 Amended
Rule 9.14..... Amended

Rules 9.26 and 9.27..... Amended
Rule 12.36 — Form 30 Removed
Rule 36.6..... Amended

INSTRUCTIONS FOR UPDATING THE IOWA COURT RULES

Replace Chapter 9
Replace Chapter 12
Replace Chapter 36

CHAPTER 9

CHILD SUPPORT GUIDELINES

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CHAPTER 9

CHILD SUPPORT GUIDELINES

Rule 9.1 Guidelines adopted. The supreme court has undertaken to prescribe uniform child support guidelines and criteria pursuant to the federal Family Support Act of 1988, Pub. L. No. 100-485 and Iowa Code section 598.21B. The child support guidelines contained in this chapter are hereby adopted, effective January 1, 2022. The guidelines apply to cases pending January 1, 2022, and thereafter. [Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; July 20, 2017, effective January 1, 2018; September 3, 2021, effective January 1, 2022]

Rule 9.2 Applicability. These guidelines are established for use by the courts of this state in determining the amount of child support. The guidelines are applicable to modification of child support orders as provided in Iowa Code section 598.21C(2). [Court Order November 9, 2001, effective February 15, 2002; March 9, 2009, effective July 1, 2009]

Rule 9.3 Purpose.

9.3(1) Purpose. The purpose of the guidelines is to provide for the best interests of the children by recognizing the duty of both parents to provide adequate support for their children in proportion to their respective incomes. While the guidelines cannot take into account the specific facts of individual cases, they will normally provide reasonable support.

9.3(2) Low-income adjustment. The basic support obligation amounts have been adjusted in the shaded area of the schedule for low-income obligated (noncustodial) parents. The objective of the adjustment is to strike a balance between adequately supporting the obligated parent's children and allowing the obligated parent to live at least at a subsistence level. The adjustment is based on the following: (1) requiring a support order no matter how little the obligated parent's income is, (2) increasing the support amount for more children, (3) maintaining an incentive to work for the obligated parent, and (4) gradually phasing out the adjustment with increased income.

a. In accordance with this objective, except as provided in *(b)*, only the obligated parent's adjusted net income is used for incomes less than \$1,101 in Area A of the shaded area of the schedule. When the obligated parent's adjusted net income is \$1,101 or more but is in Area B of the shaded area of the schedule, the guideline amount of support is the lesser of the support calculated using only the obligated parent's adjusted net income as compared to the support calculated using the combined adjusted net incomes of both parents. The combined adjusted net incomes of both parents are used in the remaining (nonshaded) Area C of the schedule.

b. In cases of joint (equally shared) physical care, the low-income adjustment is not applicable, and the parents' combined adjusted net incomes as shown in the shaded area of the schedule are used. [Court Order November 9, 2001, effective February 15, 2002; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; September 3, 2021, effective January 1, 2022]

Rule 9.4 Guidelines — rebuttable presumption. In ordering child support, the court should determine the amount of support specified by the guidelines. There shall be a rebuttable presumption that the amount of child support which would result from the application of the guidelines prescribed by the supreme court is the correct amount of child support to be awarded. That amount may be adjusted upward or downward, however, if the court finds such adjustment necessary to provide for the needs of the children or to do justice between the parties under the special circumstances of the case. In determining the necessity of an adjustment, the custodial parent's child care expenses under rule 9.11A are to be considered. The appropriate amount of child support is zero if the noncustodial parent's only income is from Supplemental Security Income (SSI) paid pursuant to 42 U.S.C. 1381a. [Court Order November 9, 2001, effective February 15, 2002; March 9, 2009, effective July 1, 2009; September 3, 2021, effective January 1, 2022]

Rule 9.5 Income.

9.5(1) Gross monthly income. In the guidelines, the term "gross monthly income" means reasonably expected income from all sources.

a. Gross monthly income includes spousal support payments to be received by a party in the pending matter and prior obligation spousal support payments actually received by a party pursuant to court order. For spousal support payments taxable to the payee and deductible by the payor, the

payments shall be added to or subtracted from gross monthly income prior to the computation of federal and state income taxes. For spousal support payments not taxable to the payee or deductible by the payor, the payments will be added or subtracted after the computation of federal and state income taxes in arriving at net monthly income.

(1) If spousal support is to be paid in the pending matter, whether temporary or permanent, it will be determined first and added to the payee's income and deducted from the payor's income before child support is calculated.

(2) A payor of prior obligation spousal support will receive a reduction from income for spousal support actually paid pursuant to court order.

(3) Reimbursement spousal support, whether being paid in a prior matter or to be paid in the pending matter, may not be added to a payee's income or deducted from a payor's income.

b. Gross monthly income does not include public assistance payments, the earned income tax credit, or child support payments a party receives.

c. Gross income from self-employment is self-employment gross income less reasonable business expenses.

d. To determine gross income, the court may not impute income under rule 9.11 except:

(1) Pursuant to agreement of the parties, or

(2) Upon request of a party, and a written determination is made by the court under rule 9.11.

9.5(2) Net monthly income. In the guidelines the term "net monthly income" means gross monthly income less deductions for the following:

a. Federal income tax (calculated pursuant to the guideline method).

b. State income tax (calculated pursuant to the guideline method).

c. Social Security and Medicare tax deductions, or for those employees who do not contribute to Social Security, mandatory pension deductions not to exceed the current Social Security and Medicare tax rate for employees.

d. Mandatory occupational license fees if paid by the individual personally, not by the employer, and if not previously deducted as a business expense on the individual's tax return in arriving at the individual's self-employment or other business income.

e. Union dues.

f. Health insurance premium costs for other children not in the pending matter when coverage is provided pursuant to court or administrative order or for children who are qualified additional dependents under rule 9.7. For purposes of this deduction, the premium cost for other children is one-half of the amount calculated for those other children utilizing the method specified in rule 9.14(5)(b).

g. Cash medical support ordered in this pending matter as determined by the medical support table in rule 9.12.

h. Cash medical support and prior obligation of child support actually paid pursuant to court or administrative order for other children not in the pending matter.

i. Qualified additional dependent deductions.

j. Actual child care expenses, as defined in rule 9.11A. However, this deduction is not allowed when a variance is granted under rule 9.11A.

Other items, such as credit union payments, charitable deductions, savings or thrift plans, and voluntary pension plans, are not to be deducted from a parent's income, since the needs of the children must have a higher priority than voluntary savings or payment of indebtedness.

[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; July 20, 2017, effective January 1, 2018; November 16, 2018, effective January 1, 2019; September 3, 2021, effective January 1, 2022; September 30, 2021, effective January 1, 2022]

Rule 9.6 Guideline method for computing taxes. For purposes of computing the taxes to be deducted from a parent's gross income, the following uniform rules shall be used:

9.6(1) An unmarried parent shall be assigned either single or head of household filing status. Head of household filing status shall be assigned if a parent is the custodial parent of one or more of the mutual children of the parents.

9.6(2) A married parent shall be assigned married filing separate status.

9.6(3) If the parents have joint (equally shared) physical care of their mutual children, an unmarried parent shall be assigned head of household filing status and a married parent shall be assigned married filing separate status.

9.6(4) The standard deduction applicable to the parent's filing status under rule 9.6(1), 9.6(2) or 9.6(3) shall be used.

9.6(5) Each parent shall be assigned one personal exemption for the parent. The custodial parent shall be assigned one additional dependent exemption for each mutual child of the parents, unless a parent provides information that the noncustodial parent has been allocated the dependent exemption for such child. In cases of joint (equally shared) or split physical care, the dependent exemption(s) for the mutual child(ren) of the parties shall be assigned according to the order or decree establishing the joint or split care arrangement.

9.6(6) If a parent's gross income under rule 9.5(1) is adjusted because of spousal support received or paid by the parent, applicable federal and state tax law determines whether those spousal support amounts are used to increase or decrease the parent's taxable income for computing taxes under this rule.

9.6(7) If the amount of federal or state income tax, or both, actually paid by a parent differs substantially from the amount(s) determined by the guideline method of computing taxes, the court may consider whether the difference is sufficient reason to adjust the child support under the criteria in rule 9.11. This rule does not preclude alternate methods of computation by the Child Support Recovery Unit as authorized by Iowa Code section 252B.7A.

[Court Order September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; November 16, 2018, effective January 1, 2019; September 3, 2021, effective January 1, 2022]

Rule 9.7 Qualified additional dependent deduction. To establish a qualified additional dependent deduction, the requesting parent must demonstrate a legal obligation to the child(ren) under Iowa Code section 252A.3. Ways to demonstrate a legal obligation to the child(ren) include:

9.7(1) By order of a court of competent jurisdiction or by administrative order when authorized by state law.

9.7(2) By the statement of the person admitting paternity in court and upon concurrence of the mother. If the mother was married, at the time of conception, birth, or at any time during the period between conception and birth of the child, to an individual other than the person admitting paternity, the individual to whom the mother was married at the time of conception, birth, or at any time during the period between conception and birth, must deny paternity in order to establish the paternity of the person admitting paternity upon the sole basis of the admission.

9.7(3) By the filing and registration by the state registrar of an affidavit of paternity executed on or after July 1, 1993, as provided in Iowa Code section 252A.3A, provided that the mother of the child was unmarried at the time of conception, birth, and at any time during the period between conception and birth of the child, or if the mother was married at the time of conception, birth, or at any time during the period between conception and birth of the child, a court of competent jurisdiction has determined that the individual to whom the mother was married at the time is not the father of the child.

9.7(4) By a child born during the marriage unless the paternity has been determined otherwise by a court of competent jurisdiction.

[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013]

Rule 9.8 Deduction amount and use.

9.8(1) The monthly deduction for qualified additional dependents of a parent (custodial or noncustodial) shall be:

- a. 8% of the parent's gross monthly income (to a maximum of \$800 per month) for one (1) child.
- b. 12% of the parent's gross monthly income (to a maximum of \$1200 per month) for two (2) children.
- c. 14% of the parent's gross monthly income (to a maximum of \$1400 per month) for three (3) children.
- d. 15% of the parent's gross monthly income (to a maximum of \$1500 per month) for four (4) children.
- e. 16% of the parent's gross monthly income (to a maximum of \$1600 per month) for five (5) or more children.

9.8(2) The qualified additional dependent deduction can be used for the establishment of original orders or in proceedings to modify an existing order. However, the deduction cannot be used to affect

the threshold determination of eligibility for a downward modification of an existing order. After the threshold determination has been met, the deduction shall be used in the determination of the net monthly income. A deduction may be taken for a prior obligation for support actually paid (rule 9.5(8)) or a qualified additional dependent deduction (rule 9.5(9)) but both deductions cannot be used for the same child. A qualified additional dependent deduction cannot be claimed for a child for whom there is a prior court or administrative support order.

[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009]

Rule 9.9 Extraordinary visitation credit. If the noncustodial parent's court-ordered visitation exceeds 127 days per year, the noncustodial parent will receive a credit to the noncustodial parent's share of the basic support obligation in accordance with the following table:

<u>Days</u>	<u>Credit</u>
128-147	15%
148-166	20%
167 or more but less than equally shared physical care	25%

For the purposes of this credit, "days" means overnights spent caring for the child(ren). Failure to exercise court-ordered visitation may be a basis for modification. The extraordinary visitation credit may not reduce support below \$50 for one child, \$75 for two children, or \$100 for three or more children.

[Court Order September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; September 3, 2021, effective January 1, 2022]

Rule 9.10 Child support guidelines worksheet. All parties must file a child support guidelines worksheet prior to a support hearing or the establishment of a support order. The parties must use Form 1 accompanying these rules, unless both parties agree to use Form 2. The Child Support Recovery Unit (CSRU) must use Form 2. The parties may supplement any other required financial statements by filing Form 3.

[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; September 3, 2021, effective January 1, 2022]

Rule 9.11 Variance from guidelines. The court shall not vary from the amount of child support that would result from application of the guidelines without a written finding that the guidelines would be unjust or inappropriate as determined under the following criteria:

9.11(1) Substantial injustice would result to the payor, payee, or child(ren).

9.11(2) Adjustments are necessary to provide for the needs of the child(ren) or to do justice between the parties, payor, or payee under the special circumstances of the case.

9.11(3) Circumstances contemplated in Iowa Code section 234.39.

9.11(4) The court may impute income in appropriate cases subject to the requirements of rule 9.5. If the court finds that a parent is voluntarily unemployed or underemployed without just cause, child support may be calculated based on a determination of earning capacity.

a. Incarceration is not voluntary unemployment for purposes of establishing or modifying child support.

b. A determination of earning capacity must take into consideration the specific circumstances of the parent to the extent known, and may include such factors as employment potential and probable earnings level based on work and training history, occupational qualifications, prevailing job opportunities, availability of employers willing to hire the parent, and earning levels in the community.

c. The court may also consider the parent's assets, residence, educational attainment, literacy, age, health, criminal record and other employment barriers, record of seeking work, and other relevant factors.

d. The court may not use earning capacity instead of actual earnings or otherwise impute income unless a written determination is made that, if actual earnings were used, substantial injustice would

occur or adjustments would be necessary to provide for the needs of the child(ren) or to do justice between the parties.

[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; July 20, 2017, effective January 1, 2018; September 3, 2021, effective January 1, 2022]

Rule 9.11A Variance for child care expenses. Because the cost of child care is not included in the economic data used to establish the support amounts in the Schedule of Basic Support Obligations, the custodial parent's child care expenses constitute grounds for requesting an upward variance from the amount of child support that would result from application of the guidelines. If a party requests a variance under this rule, the court must first determine the amount of the custodial parent's child care expenses and then determine the amount of the variance, if any. A variance for child care expenses should be liberally granted and must be supported by written findings in accordance with rule 9.11.

9.11A(1) "Child care expenses" means actual, annualized child care expenses the custodial parent pays for the child(ren) in the pending matter that are reasonably necessary to enable the parent to be employed, attend education or training activities, or conduct a job search, less any third party reimbursements and any anticipated child care tax credits.

9.11A(2) There is a rebuttable presumption that there will be no variance for child care expenses attributable to a child who has reached the age of 13 years old.

9.11A(3) In determining the amount of the variance, the court may consider each parent's proportional share of income. The amount of the child care expense variance allowed should not exceed the noncustodial parent's proportional share of income. The support order must specify the amount of the basic support obligation calculated before the child care expense variance, the amount of the child care expense variance allowed, the combined amount of the basic support obligation and the child care expense variance, and when the child care expense variance will end. Absent compelling circumstances, the child care expense variance should not extend beyond the time when there are no longer any children under the age of 13 who are subject to the support order. When a child care expense variance ends pursuant to the terms of the support order, support will automatically adjust to the amount of the basic support obligation without a child care expense variance.

9.11A(4) When considering a variance, child care expenses are to be considered independent of any amount computed by use of the guidelines or any other grounds for variance.

9.11A(5) When a variance is ordered pursuant to rule 9.11A, no deduction for child care expenses under rule 9.5(2)(j) will be allowed in calculating either party's net monthly income to determine the amount of the basic support obligation.

9.11A(6) A change in the amount of child care expenses incurred by the custodial parent is a factor to be considered in determining whether a substantial change in circumstances exists to modify a support order that includes a variance under rule 9.11A.

9.11A(7) Rule 9.11A does not apply to:

a. Court-ordered joint (equally shared) physical care arrangements, as those child care expenses are to be allocated under rule 9.14(3).

b. Cases where the noncustodial parent's adjusted net monthly income is in the low-income Area A of the schedule in rule 9.26.

[Court Order July 20, 2017, effective January 1, 2018; September 3, 2021, effective January 1, 2022]

Rule 9.12 Medical support order.

9.12(1) The court shall enter an order for medical support as required by statute. For purposes of Iowa Code section 252E.1A, the table contained in rule 9.12(4) is established for use by the courts of this state in determining reasonable cost for a health benefit plan and a reasonable amount in lieu of a health benefit plan (cash medical support). The sum certain dollar amount determined shall be stated in the order, as an amount in addition to the child support amount.

9.12(2) Refer to the table in rule 9.12(4) to determine if the parent has health insurance available at "reasonable cost." Find the appropriate cell for the parent's net income (as determined by the guidelines) and for the correct number of children. Multiply the parent's gross income by the percentage in that cell. If the amount is equal to or more than the cost of the child(ren)'s portion of the health insurance premium (family cost minus single cost), it is available at "reasonable cost." For minimum orders in low-income Area A (NCPs with net incomes 0 – 1100), cash medical support is not ordered.

9.12(3) If neither parent has health insurance available at “reasonable cost,” if appropriate according to Iowa Code section 252E.1A, the court shall order cash medical support. Refer to the table in rule 9.12(4) to determine the amount of cash medical support. Find the appropriate cell for the parent’s preliminary net income (gross income minus all appropriate deductions other than cash medical support in the pending matter) and for the correct number of children. Multiply the parent’s gross income by the percentage in that cell to get the cash medical support amount. For minimum orders in low-income Area A (NCPs with net incomes 0 – 1100), cash medical support is not ordered. Cash medical support is also not ordered if a parent is ordered to provide health insurance and that parent or stepparent of the child(ren) has obtained insurance coverage for the child(ren). If the child(ren)’s health care coverage is through the Healthy and Well Kids in Iowa program (hawk-i) under Iowa Code chapter 514I, the ordered amount of cash medical support is the cost of the hawk-i premium or the amount calculated pursuant to the table in rule 9.12(4), whichever is less.

Use the adjusted net income (preliminary net income minus the amount of cash medical support in the pending matter) for the correct number of children on the Schedule of Basic Support Obligations to find the appropriate amount of child support. Once the adjusted net income has been determined, do not allow another deduction for cash medical support.

9.12(4) Medical Support Table.

Medical Support Table					
Preliminary Net Income	One Child	Two Children	Three Children	Four Children	Five or more Children
0-1100	Area A: Minimum Order Noncustodial parent provides health insurance when it becomes available at no cost to add the child(ren). Health insurance is not an add-on cost in this area. Do not order cash medical support.				
1101-1600 1 child 1601-2000 2 children 2001-2350 3 children 2351-2400 4 children 2401-2650 5+ children	Area B: Shaded area of the schedule Provide health insurance if available at reasonable cost. Find the box for the parent's preliminary net income and number of children. Multiply the percentage in the box (1%-5%) by the parent's gross income to find reasonable cost. Health insurance is an add-on cost in this area. If neither parent has health insurance available at a reasonable cost, if appropriate according to Iowa Code section 252E.1A, the court will order cash medical support under Rule 9.12(3).				
1101-1150	2%	2%	1%	1%	1%
1151-1200	2%	2%	1%	1%	1%
1251-1300	2%	2%	2%	1%	1%
1301-1350	3%	2%	2%	2%	1%
1351-1400	3%	2%	2%	2%	2%
1401-1450	4%	2%	2%	2%	2%
1451-1500	4%	3%	2%	2%	2%
1501-1550	4%	3%	2%	2%	2%
1551-1600	5%	3%	3%	2%	2%
1601-1650	5%	3%	3%	2%	2%
1651-1700	5%	3%	3%	3%	2%
1701-1750	5%	3%	3%	3%	2%
1751-1800	5%	4%	3%	3%	3%
1801-1850	5%	4%	3%	3%	3%
1851-1900	5%	4%	3%	3%	3%
1901-1950	5%	4%	4%	3%	3%
1951-2000	5%	4%	4%	3%	3%
2001-2050	5%	5%	4%	3%	3%
2051-2100	5%	5%	4%	4%	3%
2101-2150	5%	5%	4%	4%	3%
2151-2200	5%	5%	4%	4%	4%
2201-2250	5%	5%	4%	4%	4%
2251-2300	5%	5%	5%	4%	4%
2301-2350	5%	5%	5%	4%	4%
2351-2400	5%	5%	5%	4%	4%
2401-2450	5%	5%	5%	5%	4%
2451-2500	5%	5%	5%	5%	4%
2501-2550	5%	5%	5%	5%	4%
2551-2600	5%	5%	5%	5%	5%
2601-2650	5%	5%	5%	5%	5%
2651-25,000	5%	5%	5%	5%	5%
Area C: Nonshaded area of the schedule Provide health insurance if available at reasonable cost. Find the box for the parent's preliminary net income and number of children. Multiply the percentage in the box (5%) by the parent's gross income to find reasonable cost. Health insurance is an add-on cost in this area. If neither parent has health insurance available at a reasonable cost, if appropriate according to Iowa Code section 252E.1A, the court will order cash medical support under Rule 9.12(3).					

9.12(5) “Uncovered medical expenses” means all medical expenses for the child(ren) not paid by insurance. In cases of joint physical care, the parents will share all uncovered medical expenses in proportion to the parents’ respective net incomes. In all other cases, including split or divided physical care, the custodial parent will pay the first \$250 per calendar year per child of uncovered medical expenses up to a maximum of \$800 per calendar year for all children. The parents will pay in proportion to their respective net incomes uncovered medical expenses in excess of \$250 per child or a maximum of \$800 per calendar year for all children. “Medical expenses” shall include, but not be limited to, costs for reasonably necessary medical, orthodontia, dental treatment, physical therapy, eye care (including eye glasses or contact lenses), mental health treatment, substance abuse treatment, prescription drugs, and any other uncovered medical expense. Uncovered medical expenses are not to be deducted in arriving at net income.

[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; July 20, 2017, effective January 1, 2018; September 3, 2021, effective January 1, 2022]

Rule 9.13 Stipulation for child and medical support — court review. A stipulation of the parties establishing child support and medical support shall be reviewed by the court to determine if the amount stipulated and the medical support provisions are in substantial compliance with the guidelines. A proposed order to incorporate the stipulation shall be reviewed by the court to determine its compliance with these guidelines. If a variance from the guidelines is proposed, the court must determine whether it is justified and appropriate, and, if so, include the stated reasons for the variance in the order.

[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004]

Rule 9.14 Method of computation. To compute the guideline amount of child support, first compute the adjusted net monthly income, then proceed to either the Basic Method of Child Support Computation grid or the Joint (Equally Shared) Physical Care Method of Child Support Computation grid, as appropriate. For split or divided physical care, refer to rule 9.14(4). The following grids illustrate how the worksheets are to be completed.

9.14(1) The steps to arrive at the adjusted net monthly income are shown below in the adjusted net monthly income computation grid.

Adjusted Net Monthly Income Computation			
		Custodial Parent*	Noncustodial Parent*
		(name)	(name)
A.	Gross monthly income (Does not include public assistance payments, the Earned Income Tax Credit, or child support payments.) Gross income will be adjusted to reflect receipt by the payee and payments by the payor of spousal support payments pursuant to rule 9.5(1).	\$	\$
B.	Federal income tax (Calculated pursuant to rule 9.6.)	\$	\$
C.	State income tax (Calculated pursuant to rule 9.6.)	\$	\$
D.	Social Security and Medicare tax/mandatory pension deductions (For employees not contributing to Social Security, mandatory pension deductions may not exceed the current Social Security and Medicare tax rate for employees.)	\$	\$
E.	Mandatory occupational license fees	\$	\$
F.	Union dues	\$	\$
G.	Health insurance premium costs for other children not in the pending matter. (See rule 9.5(2)(f).)	\$	\$
H.	Cash medical support and prior obligation of child support actually paid pursuant to court or administrative order for other children not in the pending matter.	\$	\$
I.	Qualified additional dependent deductions (See rules 9.7 and 9.8.)	\$	\$
J.	Actual child care expenses, as defined in rule 9.11A, for the custodial parent* (No deduction allowed if variance granted under rule 9.11A.)	\$	\$
K.	Preliminary net income for each parent (Line A minus lines B through J for each parent.) (Preliminary net income is used to determine medical support under rule 9.12.)	\$	\$
L.	If ordered in this pending matter, cash medical support as determined in rule 9.12.	\$	\$
M.	Adjusted net monthly income (Line K minus line L.) (Adjusted net monthly income is used to calculate the guideline amount of child support. Enter each parent's amount from line M on either line A of the Basic Method of Child Support Computation or line A of the Joint [Equally Shared] Physical Care Method of Child Support Computation as appropriate.)	\$	\$

*(In cases of joint physical care, use names only and designate both parents as custodial parents.)

9.14(2) The steps of a basic child support computation are shown below in the Basic Method of Child Support Computation grid.

Basic Method of Child Support Computation				
		Custodial Parent (CP) (name)	Noncustodial Parent (NCP) (name)	Combined
A.	Adjusted net monthly income	\$	\$	\$
B.	Proportional share of income	%	%	100%
C.	Number of children for whom support is sought			
D.	Low-Income: Basic support obligation using only NCP's adjusted net monthly income (Only if NCP's income is in shaded Area A or B.) <ul style="list-style-type: none"> If NCP's income is in shaded Area A, use only NCP's income to find the basic support amount and enter it on this line. Enter N/A on lines E and F. Enter the basic support amount on line G. If NCP's income is in shaded Area B, use only NCP's income to find the basic support amount. Enter it on this line. Go to line E. If the NCP's income is in nonshaded Area C, enter N/A on this line. Go to line E. 		\$	
E.	Basic support obligation when using combined adjusted net monthly income for NCP incomes in Area B or Area C (Use the line A combined income amount to find the basic support amount from the Schedule of Basic Support Obligations.)			\$
F.	Each parent's share of the basic support obligation when using combined incomes (Each parent's line B x line E.)	\$	\$	
G.	NCP's basic support obligation before health insurance <ul style="list-style-type: none"> If NCP's income is in shaded Area B, enter the lower amount from line D or NCP's line F. If NCP's income is in the nonshaded Area C of the schedule, use the amount from NCP's line F. 		\$	

H.	Allowable child(ren)'s portion of health insurance premium (Enter the amount calculated pursuant to rule 9.14(5).) <ul style="list-style-type: none"> If health insurance is being ordered, and the basic support obligation on line G falls in Area B or in nonshaded Area C of the schedule, enter the cost under the parent being ordered to provide it. If neither parent has health insurance available at reasonable cost, enter N/A for each parent on this line. If the basic support obligation on line G falls within low-income Area A of the shaded area of the schedule, enter N/A for each parent on this line. For stepparent-provided insurance, <i>see</i> rule 9.14(5). 	\$	\$	
I.	Health insurance add-on or deduction from NCP's obligation—calculated below in 1. and 2.			
	1. If the CP will be ordered to provide H.I.: a. CP's H.I. cost from line H = \$ _____ b. NCP's line B percentage = _____ % c. Multiply CP's line H x NCP's line B = _____ + \$ _____ (amount to add to NCP line G to get to line J)			
	2. If the NCP will be ordered to provide H.I.: a. NCP's H.I. cost from Line H = \$ _____ b. CP's Line B percentage = _____ % c. Multiply NCP's Line H x CP's Line B = _____ - \$ _____ (amount to subtract from NCP line G to get to line J)			
J.	Guideline amount of child support for NCP <ul style="list-style-type: none"> If only CP provides H.I.: line G plus line I.1. If only NCP provides H.I.: line G minus line I.2. If both provide H.I.: line G plus line I.1 minus line I.2. If neither parent provides H.I.: enter the amount from line G. 		\$	
Extraordinary Visitation Credit (Only if court-ordered visitation exceeds 127 overnights per year.)				
K.	NCP's basic support obligation before health insurance (Amount from line G.)		\$	
L.	Number of court-ordered visitation overnights with NCP			
M.	Extraordinary visitation credit percentage: If line L above is 128-147 overnights: 15% credit (0.15) If line L above is 148-166 overnights: 20% credit (0.20) If line L above is 167 or more overnights: 25% credit (0.25) (But less than joint [equally shared] physical care.)		%	
N.	Extraordinary visitation credit (Multiply line K by line M.)		\$	

O.	Guideline amount of child support (after credit for extraordinary visitation) (Line J minus line N.) (However, the guideline amount of support must not be less than \$50 for one child, \$75 for two children, or \$100 for three or more children.)		\$	
Child Care Expense Variance under rule 9.11A (As agreed by the parties and approved or determined by the court.)				
P.	NCP's guideline amount of child support (Amount from line J above [or line O, if applicable].)		\$	
Q.	Amount of variance for child care expenses		\$	
R.	Adjusted amount of child support (Line P plus line Q.)		\$	

9.14(3) Joint physical care. In cases of court-ordered joint (equally shared) physical care, child support shall be calculated as shown below in the Joint (Equally Shared) Physical Care Method of Child Support Computation grid. Offset is a method of payment of each parent's guideline amount of child support and the net difference shall be paid by the party with the higher child support obligation unless variance is warranted under rule 9.11. An allocation between the parties for payment of the child(ren)'s expenses ordered pursuant to Iowa Code section 598.41(5)(a) is an obligation in addition to the child support amount calculated pursuant to this rule and is not child support.

Joint (Equally Shared) Physical Care Method of Child Support Computation				
		Custodial Parent 1 (CP 1)	Custodial Parent 2 (CP 2)	Combined
		(name)	(name)	
A.	Adjusted net monthly income	\$	\$	\$
B.	Proportional share of income	%	%	100%
C.	Number of children for whom support is sought			
D.	Basic support obligation before health insurance (Use line A combined amount to find amount from Schedule of Basic Support Obligations—use combined incomes because the low-income adjustment in the shaded area of the schedule does not apply to joint [equally shared] physical care support computations.)			\$
E.	Each parent's basic primary care amount before health insurance (Multiply line B by line D for each parent.)	\$	\$	
F.	Each parent's share of joint physical care support (Multiply line E by 1.5 for each parent to account for extra costs for two residences.)	\$	\$	
G.	Each parent's joint physical care support obligation before health insurance (Multiply line F by .5 for each parent to account for 50% of time spent with each parent.)	\$	\$	
H.	Allowable child(ren)'s portion of health insurance premium* (Enter the amount calculated pursuant to rule 9.14(5).) (Area A: *The health insurance adjustment does not apply if either parent's net income on line A falls within the low-income shaded Area A of the Schedule of Basic Support Obligations. Enter N/A for each parent on this line. Do not complete line I.) (Area B or C: If the basic support obligation on Line G falls within Area B or Area C , enter the allowable child(ren)'s portion of the health insurance premium on this line under the parent being ordered to provide it. Do not skip line I.) (For step-parent provided insurance, see rule 9.14(5).)	\$	\$	
I.	Health insurance add-on to each parent's obligation (calculated below in 1 and 2)	\$	\$	
	1. If CP 1 will be ordered to provide H.I. Step 1. CP 1's H.I. cost from line H = \$ _____ Step 3. Multiply CP 1's cost x CP 2's line B = _____	Step 2. CP 2's line B percentage = _____ % + \$ _____ (Insert on CP 2's line I.)		
	2. If CP 2 will be ordered to provide H.I. Step 1. CP 2's H.I. cost from line H = \$ _____ Step 3. Multiply CP 2's line H x CP 1's line B = _____	Step 2. CP 1's line B percentage = _____ % + \$ _____ (Insert on CP 1's line I.)		
J.	Guideline amount of child support (Line G plus line I for each parent.)	\$	\$	
K.	Net amount of child support for joint physical care after offset			

	(Subtract smaller amount on line J from larger amount on line J. Parent with larger amount on line J pays the other parent the difference, as a method of payment. If either parent receives assistance through the Family Investment Program [FIP], the other parent's obligation reverts to the amount on line J.)	\$	\$	
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9.14(4) *Split or divided physical care.* In the cases of court-ordered split or divided physical care, child support shall be calculated in the following manner: determine the amount of child support required by these guidelines for each party based on the number of children in the physical care of the other party; offset the two amounts as a method of payment; and the net difference shall be paid by the party with the higher child support obligation unless variance is warranted under rule 9.11.

9.14(5) *Health insurance premium.* In calculating child support, the allowable child(ren)'s portion of the health insurance premium is prorated between the parents and used to adjust the basic support obligation as provided in this rule.

a. This subrule applies if the parent is ordered to provide health insurance for the child(ren) in the pending action and it is either deducted from wages of the parent or stepparent or paid by the parent or stepparent.

b. The allowable child(ren)'s portion of the health insurance premium will be calculated as follows:

(1) For a health benefit plan covering multiple individuals, including the child(ren) in the pending action, the allowable child(ren)'s portion is the amount of the premium cost for such coverage to the parent or stepparent that is in excess of the premium cost for single coverage, divided by the number of individuals enrolled in the health benefit plan, excluding the person providing the insurance, and then multiplied by the number of children who are the subject of the pending action.

(2) For a health benefit plan covering only the child(ren) in the pending action, the entire premium will be used as the allowable child(ren)'s portion of the health insurance premium.

c. However, a health insurance premium is not prorated and used to adjust the basic support obligation if the basic support obligation is in low-income (shaded) Area A of the schedule in rule 9.26 unless variance is warranted under rule 9.11.

d. If the child(ren) is (are) covered by the health insurance of a stepparent, the allowable child(ren)'s portion of the health insurance premium will be prorated between the parents and used to adjust the basic support obligation unless a parent objects. If a parent objects, the court will decide the issue based on its determination of whether it would be equitable to the parties and the child(ren).

9.14(6) *Step-down provisions.* For cases with multiple children, the support order shall include a step-down provision to automatically adjust the child support amount as the number of children entitled to support changes, unless subsequently modified by the court.

[Court Order September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; July 20, 2017, effective January 1, 2018; November 16, 2018, effective January 1, 2019; September 3, 2021, effective January 1, 2022]

Rules 9.15 to 9.25 Reserved.

Rule 9.26 Child Support Guidelines Schedule.**Schedule of Basic Support Obligations****Iowa****Schedule of Basic Support Obligations**

- Area A:** Except as provided in 2, only the noncustodial parent's income is used in Area A of the shaded area (\$0 to \$1100) in accordance with the low-income adjustment.

Area B: Two calculations are required in Area B of the low-income shaded area (between \$1101 and \$1600 for one child, between \$1101 and \$2000 for two children, between \$1101 and \$2350 for three children, between \$1101 and \$2400 for four children, and between \$1101 and \$2650 for five or more children).

Calculation 1 is the same as the Area A calculation.

Calculation 2 uses the parents' combined incomes.

The guidelines amount is the lower of the two calculations.

Area C: Nonshaded area. The parents' combined incomes are used in the remaining (nonshaded) area of the schedule.
- In joint (equally shared) physical care cases, regardless of whether a parent is low income, use the parents' combined incomes in the shaded and nonshaded areas of the schedule.
- For combined net monthly incomes above \$25,000, the amount of the basic support obligation is deemed to be within the sound discretion of the court or the agency setting support by administrative order but may not be less than the basic support obligation for combined net monthly incomes equal to \$25,000.

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
Area A—Low-Income Adjustment					
0 — 100	50	75	100	100	100
101 — 200	56	82	107	109	110
201 — 300	61	90	115	118	121
301 — 400	67	97	122	127	131
401 — 500	72	105	129	136	142
501 — 600	78	112	137	145	152
601 — 700	84	120	144	154	163
701 — 800	89	127	152	163	173
801 — 850	95	134	159	172	184
851 — 900	100	142	166	181	194
901 — 950	106	149	174	190	205
951 — 1000	111	157	181	199	215
1001 — 1050	117	164	188	208	226
1051 — 1100	123	171	196	217	236
Area B—Low-Income Adjustment					
1101 — 1150	128	179	203	226	247
1151 — 1200	153	209	235	258	284
1201 — 1250	178	239	268	290	321

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
1251 — 1300	203	269	300	323	359
1301 — 1350	228	299	333	355	396
1351 — 1400	253	329	365	388	434
1401 — 1450	278	359	398	420	471
1451 — 1500	303	389	430	453	509
1501 — 1550	328	419	463	485	546
1551 — 1600	353	449	495	518	584
1601 — 1650	375	479	528	550	621
1651 — 1700	386	509	560	583	659
1701 — 1750	398	539	593	615	696
1751 — 1800	409	569	625	648	734
1801 — 1850	421	599	658	680	771
1851 — 1900	432	629	690	713	809
1901 — 1950	444	659	723	745	846
1951 — 2000	455	689	755	778	869
2001 — 2050	467	711	788	810	891
2051 — 2100	478	728	820	843	913
2101 — 2150	490	746	853	875	935
2151 — 2200	501	763	885	908	957
2201 — 2250	513	781	918	940	979
2251 — 2300	524	798	950	973	1001
2301 — 2350	536	816	983	1000	1023
2351 — 2400	547	833	1008	1021	1045
2401 — 2450	559	851	1029	1043	1067
2451 — 2500	570	869	1050	1064	1089
2501 — 2550	582	886	1071	1086	1111
2551 — 2600	593	904	1092	1107	1133
2601 — 2650	605	921	1114	1129	1155
Area C—Nonshaded Area					
2651 — 2700	616	939	1135	1150	1177
2701 — 2750	628	956	1156	1172	1199
2751 — 2800	640	973	1175	1193	1221
2801 — 2850	651	988	1193	1215	1243
2851 — 2900	663	1003	1210	1236	1265
2901 — 2950	674	1018	1227	1258	1287
2951 — 3000	686	1033	1245	1279	1309
3001 — 3050	697	1049	1262	1301	1331
3051 — 3100	709	1064	1280	1322	1353
3101 — 3150	720	1079	1297	1344	1375
3151 — 3200	732	1094	1315	1365	1397

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
3201 — 3250	742	1111	1335	1387	1419
3251 — 3300	752	1128	1355	1408	1441
3301 — 3350	763	1145	1375	1430	1463
3351 — 3400	773	1162	1395	1451	1485
3401 — 3450	784	1179	1415	1473	1507
3451 — 3500	794	1196	1435	1494	1529
3501 — 3550	805	1213	1455	1516	1551
3551 — 3600	815	1230	1475	1537	1573
3601 — 3650	824	1245	1493	1559	1595
3651 — 3700	833	1257	1508	1580	1617
3701 — 3750	841	1270	1523	1602	1639
3751 — 3800	850	1283	1538	1623	1661
3801 — 3850	858	1295	1553	1645	1683
3851 — 3900	867	1308	1568	1666	1705
3901 — 3950	875	1321	1583	1688	1727
3951 — 4000	884	1333	1598	1709	1749
4001 — 4050	892	1345	1612	1730	1771
4051 — 4100	897	1353	1620	1748	1793
4101 — 4150	902	1360	1629	1766	1815
4151 — 4200	907	1368	1637	1784	1837
4201 — 4250	912	1375	1646	1802	1859
4251 — 4300	918	1383	1654	1820	1881
4301 — 4350	923	1390	1663	1838	1903
4351 — 4400	928	1398	1671	1856	1925
4401 — 4450	933	1405	1680	1873	1947
4451 — 4500	938	1411	1685	1882	1967
4501 — 4550	943	1417	1690	1887	1986
4551 — 4600	948	1422	1694	1892	2005
4601 — 4650	952	1428	1699	1897	2023
4651 — 4700	957	1433	1703	1902	2042
4701 — 4750	962	1438	1707	1907	2061
4751 — 4800	966	1444	1712	1912	2080
4801 — 4850	971	1449	1716	1917	2098
4851 — 4900	976	1456	1723	1924	2117
4901 — 4950	983	1467	1738	1941	2135
4951 — 5000	989	1478	1752	1957	2153
5001 — 5050	996	1489	1767	1974	2171
5051 — 5100	1003	1500	1781	1990	2189
5101 — 5150	1009	1511	1796	2006	2207
5151 — 5200	1016	1522	1811	2023	2225
5201 — 5250	1022	1533	1825	2039	2243

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
5251 — 5300	1029	1544	1840	2055	2261
5301 — 5350	1033	1550	1846	2062	2269
5351 — 5400	1037	1555	1850	2067	2273
5401 — 5450	1041	1560	1854	2071	2278
5451 — 5500	1045	1564	1858	2075	2282
5501 — 5550	1049	1569	1861	2079	2287
5551 — 5600	1053	1573	1865	2083	2291
5601 — 5650	1057	1578	1869	2087	2296
5651 — 5700	1061	1583	1872	2091	2301
5701 — 5750	1066	1588	1877	2097	2307
5751 — 5800	1071	1595	1885	2105	2316
5801 — 5850	1077	1603	1892	2113	2325
5851 — 5900	1083	1610	1899	2122	2334
5901 — 5950	1088	1617	1907	2130	2343
5951 — 6000	1094	1624	1914	2138	2352
6001 — 6050	1099	1632	1922	2146	2361
6051 — 6100	1105	1639	1929	2155	2370
6101 — 6150	1110	1646	1936	2163	2379
6151 — 6200	1118	1657	1948	2176	2394
6201 — 6250	1126	1669	1961	2191	2410
6251 — 6300	1135	1680	1974	2205	2426
6301 — 6350	1143	1692	1987	2219	2441
6351 — 6400	1151	1704	2000	2234	2457
6401 — 6450	1160	1715	2013	2248	2473
6451 — 6500	1168	1727	2026	2262	2489
6501 — 6550	1176	1738	2038	2277	2505
6551 — 6600	1184	1750	2051	2291	2520
6601 — 6650	1193	1762	2064	2306	2536
6651 — 6700	1201	1773	2077	2320	2552
6701 — 6750	1209	1785	2090	2334	2568
6751 — 6800	1217	1796	2103	2349	2583
6801 — 6850	1223	1806	2116	2363	2599
6851 — 6900	1229	1816	2128	2378	2615
6901 — 6950	1235	1826	2141	2392	2631
6951 — 7000	1241	1836	2154	2406	2647
7001 — 7050	1247	1846	2167	2421	2663
7051 — 7100	1253	1856	2180	2435	2679
7101 — 7150	1259	1866	2193	2450	2695
7151 — 7200	1265	1876	2206	2464	2711
7201 — 7250	1271	1886	2219	2479	2727
7251 — 7300	1277	1896	2232	2493	2742

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
7301 — 7350	1283	1906	2245	2508	2758
7351 — 7400	1289	1916	2258	2522	2774
7401 — 7450	1295	1924	2268	2534	2787
7451 — 7500	1300	1930	2275	2542	2796
7501 — 7550	1304	1937	2283	2550	2805
7551 — 7600	1309	1944	2290	2558	2813
7601 — 7650	1314	1950	2297	2566	2822
7651 — 7700	1318	1957	2304	2574	2831
7701 — 7750	1323	1963	2311	2582	2840
7751 — 7800	1328	1970	2318	2590	2849
7801 — 7850	1333	1976	2326	2598	2858
7851 — 7900	1337	1983	2333	2606	2866
7901 — 7950	1342	1989	2340	2614	2875
7951 — 8000	1347	1996	2347	2622	2884
8001 — 8050	1351	2003	2354	2630	2893
8051 — 8100	1357	2010	2362	2639	2903
8101 — 8150	1363	2018	2371	2648	2913
8151 — 8200	1369	2026	2379	2657	2923
8201 — 8250	1375	2034	2387	2667	2933
8251 — 8300	1381	2043	2396	2676	2943
8301 — 8350	1388	2051	2404	2685	2954
8351 — 8400	1394	2059	2412	2694	2964
8401 — 8450	1400	2067	2421	2704	2974
8451 — 8500	1406	2075	2429	2713	2984
8501 — 8550	1412	2083	2437	2722	2994
8551 — 8600	1418	2091	2445	2732	3005
8601 — 8650	1424	2099	2454	2741	3015
8651 — 8700	1430	2107	2462	2750	3025
8701 — 8750	1436	2115	2470	2759	3035
8751 — 8800	1442	2123	2479	2769	3045
8801 — 8850	1448	2131	2487	2778	3056
8851 — 8900	1454	2139	2495	2787	3066
8901 — 8950	1458	2144	2500	2793	3072
8951 — 9000	1462	2149	2505	2798	3078
9001 — 9050	1466	2154	2510	2803	3084
9051 — 9100	1470	2159	2514	2808	3089
9101 — 9150	1474	2164	2519	2814	3095
9151 — 9200	1478	2169	2524	2819	3101
9201 — 9250	1482	2174	2528	2824	3106
9251 — 9300	1485	2178	2533	2829	3112
9301 — 9350	1489	2183	2537	2834	3118

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
9351 — 9400	1493	2188	2542	2839	3123
9401 — 9450	1497	2193	2547	2845	3129
9451 — 9500	1501	2198	2551	2850	3135
9501 — 9550	1505	2203	2556	2855	3141
9551 — 9600	1509	2208	2561	2860	3146
9601 — 9650	1512	2212	2565	2865	3152
9651 — 9700	1516	2217	2570	2871	3158
9701 — 9750	1520	2222	2575	2876	3163
9751 — 9800	1527	2232	2586	2889	3178
9801 — 9850	1534	2243	2599	2903	3193
9851 — 9900	1541	2254	2611	2917	3209
9901 — 9950	1549	2264	2624	2931	3224
9951 — 10000	1556	2275	2636	2945	3239
10001 — 10050	1563	2285	2649	2959	3254
10051 — 10100	1570	2296	2661	2973	3270
10101 — 10150	1577	2306	2674	2986	3285
10151 — 10200	1584	2314	2685	2999	3299
10201 — 10250	1591	2318	2689	3004	3304
10251 — 10300	1598	2323	2694	3010	3311
10301 — 10350	1606	2329	2702	3018	3319
10351 — 10400	1613	2335	2709	3025	3328
10401 — 10450	1620	2342	2716	3033	3337
10451 — 10500	1627	2348	2723	3041	3345
10501 — 10550	1634	2355	2730	3049	3354
10551 — 10600	1641	2361	2737	3057	3363
10601 — 10650	1648	2367	2744	3065	3371
10651 — 10700	1655	2374	2751	3073	3380
10701 — 10750	1663	2380	2758	3081	3389
10751 — 10800	1670	2386	2765	3089	3397
10801 — 10850	1677	2393	2772	3097	3406
10851 — 10900	1684	2399	2779	3104	3415
10901 — 10950	1691	2405	2786	3112	3424
10951 — 11000	1698	2412	2793	3120	3432
11001 — 11050	1703	2418	2800	3128	3441
11051 — 11100	1708	2424	2807	3136	3450
11101 — 11150	1713	2431	2815	3144	3458
11151 — 11200	1718	2437	2822	3152	3467
11201 — 11250	1722	2444	2829	3160	3476
11251 — 11300	1727	2450	2836	3168	3484
11301 — 11350	1732	2456	2843	3175	3493
11351 — 11400	1736	2463	2850	3183	3502

Combined or Individual Adjusted Net Income (see 1 and 2 above)			One Child	Two Children	Three Children	Four Children	Five or More Children
11401	—	11450	1741	2469	2857	3191	3510
11451	—	11500	1746	2475	2864	3199	3519
11501	—	11550	1751	2483	2872	3208	3529
11551	—	11600	1756	2490	2881	3218	3540
11601	—	11650	1761	2497	2890	3228	3550
11651	—	11700	1766	2505	2898	3237	3561
11701	—	11750	1772	2512	2907	3247	3571
11751	—	11800	1777	2520	2915	3256	3582
11801	—	11850	1782	2527	2924	3266	3592
11851	—	11900	1787	2534	2932	3275	3603
11901	—	11950	1792	2542	2941	3285	3613
11951	—	12000	1798	2549	2949	3295	3624
12001	—	12050	1803	2557	2958	3304	3635
12051	—	12100	1808	2564	2967	3314	3645
12101	—	12150	1813	2571	2975	3323	3656
12151	—	12200	1818	2579	2984	3333	3666
12201	—	12250	1824	2586	2992	3342	3677
12251	—	12300	1829	2593	3001	3352	3687
12301	—	12350	1834	2601	3009	3362	3698
12351	—	12400	1839	2608	3018	3371	3708
12401	—	12450	1844	2616	3027	3381	3719
12451	—	12500	1850	2623	3035	3390	3729
12501	—	12550	1855	2630	3044	3400	3740
12551	—	12600	1860	2638	3052	3409	3750
12601	—	12650	1865	2645	3061	3419	3761
12651	—	12700	1870	2653	3069	3428	3771
12701	—	12750	1876	2660	3078	3438	3782
12751	—	12800	1881	2667	3086	3448	3792
12801	—	12850	1886	2675	3095	3457	3803
12851	—	12900	1891	2682	3104	3467	3813
12901	—	12950	1896	2690	3112	3476	3824
12951	—	13000	1902	2697	3121	3486	3834
13001	—	13050	1907	2704	3129	3495	3845
13051	—	13100	1912	2712	3138	3505	3855
13101	—	13150	1917	2719	3146	3515	3866
13151	—	13200	1922	2727	3155	3524	3877
13201	—	13250	1928	2734	3164	3534	3887
13251	—	13300	1933	2741	3172	3543	3898
13301	—	13350	1938	2749	3181	3553	3908
13351	—	13400	1943	2756	3189	3562	3919
13401	—	13450	1948	2764	3198	3572	3929

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
13451 — 13500	1953	2769	3204	3579	3937
13501 — 13550	1956	2775	3210	3586	3945
13551 — 13600	1960	2780	3216	3593	3952
13601 — 13650	1964	2785	3222	3599	3959
13651 — 13700	1968	2791	3228	3606	3967
13701 — 13750	1972	2796	3235	3613	3974
13751 — 13800	1976	2802	3241	3620	3982
13801 — 13850	1980	2807	3247	3626	3989
13851 — 13900	1984	2812	3253	3633	3997
13901 — 13950	1988	2818	3259	3640	4004
13951 — 14000	1991	2823	3265	3647	4011
14001 — 14050	1995	2828	3271	3653	4019
14051 — 14100	1999	2834	3277	3660	4026
14101 — 14150	2003	2839	3283	3667	4034
14151 — 14200	2007	2844	3289	3674	4041
14201 — 14250	2011	2850	3295	3681	4049
14251 — 14300	2015	2855	3301	3687	4056
14301 — 14350	2019	2861	3307	3694	4063
14351 — 14400	2023	2866	3313	3701	4071
14401 — 14450	2026	2871	3319	3708	4078
14451 — 14500	2030	2877	3325	3714	4086
14501 — 14550	2034	2882	3331	3721	4093
14551 — 14600	2038	2887	3337	3728	4101
14601 — 14650	2042	2893	3343	3735	4108
14651 — 14700	2046	2898	3349	3741	4115
14701 — 14750	2050	2904	3355	3748	4123
14751 — 14800	2054	2909	3362	3755	4130
14801 — 14850	2058	2914	3368	3762	4138
14851 — 14900	2061	2920	3374	3768	4145
14901 — 14950	2065	2925	3380	3775	4153
14951 — 15000	2069	2930	3386	3782	4160
15001 — 15050	2073	2936	3392	3789	4167
15051 — 15100	2077	2941	3398	3795	4175
15101 — 15150	2081	2947	3404	3802	4182
15151 — 15200	2085	2952	3410	3809	4190
15201 — 15250	2089	2957	3416	3816	4197
15251 — 15300	2093	2963	3422	3822	4205
15301 — 15350	2096	2968	3428	3829	4212
15351 — 15400	2100	2973	3434	3836	4219
15401 — 15450	2104	2979	3440	3843	4227
15451 — 15500	2108	2984	3446	3849	4234

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
15501 — 15550	2112	2989	3452	3856	4242
15551 — 15600	2116	2995	3458	3863	4249
15601 — 15650	2120	3000	3464	3870	4257
15651 — 15700	2124	3006	3470	3876	4264
15701 — 15750	2128	3011	3476	3883	4271
15751 — 15800	2131	3016	3482	3890	4279
15801 — 15850	2135	3022	3488	3897	4286
15851 — 15900	2139	3027	3495	3903	4294
15901 — 15950	2143	3032	3501	3910	4301
15951 — 16000	2147	3038	3507	3917	4309
16001 — 16050	2151	3043	3513	3924	4316
16051 — 16100	2155	3049	3519	3930	4323
16101 — 16150	2159	3054	3525	3937	4331
16151 — 16200	2163	3059	3531	3944	4338
16201 — 16250	2166	3065	3537	3951	4346
16251 — 16300	2170	3070	3543	3957	4353
16301 — 16350	2174	3075	3549	3964	4361
16351 — 16400	2178	3081	3555	3971	4368
16401 — 16450	2182	3086	3561	3978	4375
16451 — 16500	2186	3091	3567	3984	4383
16501 — 16550	2190	3097	3573	3991	4390
16551 — 16600	2194	3102	3579	3998	4398
16601 — 16650	2198	3108	3585	4005	4405
16651 — 16700	2201	3113	3591	4011	4413
16701 — 16750	2205	3118	3597	4018	4420
16751 — 16800	2209	3124	3603	4025	4427
16801 — 16850	2213	3129	3609	4032	4435
16851 — 16900	2217	3134	3615	4038	4442
16901 — 16950	2221	3140	3622	4045	4450
16951 — 17000	2225	3145	3628	4052	4457
17001 — 17050	2229	3151	3634	4059	4465
17051 — 17100	2233	3156	3640	4065	4472
17101 — 17150	2236	3161	3646	4072	4479
17151 — 17200	2240	3167	3652	4079	4487
17201 — 17250	2244	3172	3658	4086	4494
17251 — 17300	2248	3177	3664	4093	4502
17301 — 17350	2252	3183	3670	4099	4509
17351 — 17400	2256	3188	3676	4106	4517
17401 — 17450	2260	3194	3682	4113	4524
17451 — 17500	2264	3199	3688	4120	4531
17501 — 17550	2268	3204	3694	4126	4539

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
17551 — 17600	2271	3210	3700	4133	4546
17601 — 17650	2275	3215	3706	4140	4554
17651 — 17700	2279	3220	3712	4147	4561
17701 — 17750	2283	3226	3718	4153	4569
17751 — 17800	2287	3231	3724	4160	4576
17801 — 17850	2291	3236	3730	4167	4583
17851 — 17900	2295	3242	3736	4174	4591
17901 — 17950	2299	3247	3742	4180	4598
17951 — 18000	2303	3253	3748	4187	4606
18001 — 18050	2306	3258	3755	4194	4613
18051 — 18100	2310	3263	3761	4201	4621
18101 — 18150	2314	3269	3767	4207	4628
18151 — 18200	2318	3274	3773	4214	4635
18201 — 18250	2322	3279	3779	4221	4643
18251 — 18300	2326	3285	3785	4228	4650
18301 — 18350	2330	3290	3791	4234	4658
18351 — 18400	2334	3296	3797	4241	4665
18401 — 18450	2338	3301	3803	4248	4673
18451 — 18500	2341	3306	3809	4255	4680
18501 — 18550	2345	3312	3815	4261	4687
18551 — 18600	2349	3317	3821	4268	4695
18601 — 18650	2353	3322	3827	4275	4702
18651 — 18700	2357	3328	3833	4282	4710
18701 — 18750	2361	3333	3839	4288	4717
18751 — 18800	2365	3339	3845	4295	4725
18801 — 18850	2369	3344	3851	4302	4732
18851 — 18900	2373	3349	3857	4309	4740
18901 — 18950	2376	3355	3863	4315	4747
18951 — 19000	2380	3360	3869	4322	4754
19001 — 19050	2384	3365	3875	4329	4762
19051 — 19100	2388	3371	3882	4336	4769
19101 — 19150	2392	3376	3888	4342	4777
19151 — 19200	2396	3381	3894	4349	4784
19201 — 19250	2400	3387	3900	4356	4792
19251 — 19300	2404	3392	3906	4363	4799
19301 — 19350	2408	3398	3912	4369	4806
19351 — 19400	2411	3403	3918	4376	4814
19401 — 19450	2415	3408	3924	4383	4821
19451 — 19500	2419	3414	3930	4390	4829
19501 — 19550	2423	3419	3936	4396	4836
19551 — 19600	2427	3424	3942	4403	4844

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
19601 — 19650	2431	3430	3948	4410	4851
19651 — 19700	2435	3435	3954	4417	4858
19701 — 19750	2439	3441	3960	4423	4866
19751 — 19800	2443	3446	3966	4430	4873
19801 — 19850	2446	3451	3972	4437	4881
19851 — 19900	2450	3457	3978	4444	4888
19901 — 19950	2454	3462	3984	4450	4896
19951 — 20000	2458	3467	3990	4457	4903
20001 — 20050	2462	3473	3996	4464	4910
20051 — 20100	2466	3478	4002	4471	4918
20101 — 20150	2470	3483	4009	4477	4925
20151 — 20200	2474	3489	4015	4484	4933
20201 — 20250	2478	3494	4021	4491	4940
20251 — 20300	2481	3500	4027	4498	4948
20301 — 20350	2485	3505	4033	4505	4955
20351 — 20400	2489	3510	4039	4511	4962
20401 — 20450	2493	3516	4045	4518	4970
20451 — 20500	2497	3521	4051	4525	4977
20501 — 20550	2501	3526	4057	4532	4985
20551 — 20600	2505	3532	4063	4538	4992
20601 — 20650	2509	3537	4069	4545	5000
20651 — 20700	2513	3543	4075	4552	5007
20701 — 20750	2516	3548	4081	4559	5014
20751 — 20800	2520	3553	4087	4565	5022
20801 — 20850	2524	3559	4093	4572	5029
20851 — 20900	2528	3564	4099	4579	5037
20901 — 20950	2532	3569	4105	4586	5044
20951 — 21000	2536	3575	4111	4592	5052
21001 — 21050	2540	3580	4117	4599	5059
21051 — 21100	2544	3586	4123	4606	5066
21101 — 21150	2548	3591	4129	4613	5074
21151 — 21200	2551	3596	4135	4619	5081
21201 — 21250	2555	3602	4142	4626	5089
21251 — 21300	2559	3607	4148	4633	5096
21301 — 21350	2563	3612	4154	4640	5104
21351 — 21400	2567	3618	4160	4646	5111
21401 — 21450	2571	3623	4166	4653	5118
21451 — 21500	2575	3628	4172	4660	5126
21501 — 21550	2579	3634	4178	4667	5133
21551 — 21600	2583	3639	4184	4673	5141
21601 — 21650	2586	3645	4190	4680	5148

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
21651 — 21700	2590	3650	4196	4687	5156
21701 — 21750	2594	3655	4202	4694	5163
21751 — 21800	2598	3661	4208	4700	5170
21801 — 21850	2602	3666	4214	4707	5178
21851 — 21900	2606	3671	4219	4712	5183
21901 — 21950	2610	3676	4224	4717	5188
21951 — 22000	2614	3681	4228	4722	5193
22001 — 22050	2617	3685	4233	4726	5197
22051 — 22100	2621	3690	4238	4731	5202
22101 — 22150	2625	3695	4242	4736	5207
22151 — 22200	2629	3700	4247	4741	5212
22201 — 22250	2633	3705	4252	4745	5216
22251 — 22300	2637	3709	4257	4750	5221
22301 — 22350	2641	3714	4261	4755	5226
22351 — 22400	2644	3719	4266	4759	5231
22401 — 22450	2648	3724	4271	4764	5235
22451 — 22500	2652	3729	4275	4769	5240
22501 — 22550	2656	3733	4280	4774	5245
22551 — 22600	2660	3738	4285	4778	5250
22601 — 22650	2664	3743	4289	4783	5254
22651 — 22700	2668	3748	4294	4788	5259
22701 — 22750	2671	3753	4299	4792	5264
22751 — 22800	2675	3757	4303	4797	5269
22801 — 22850	2679	3762	4308	4802	5273
22851 — 22900	2683	3767	4313	4807	5278
22901 — 22950	2687	3772	4317	4811	5283
22951 — 23000	2691	3777	4322	4816	5288
23001 — 23050	2695	3781	4327	4821	5292
23051 — 23100	2698	3786	4332	4825	5297
23101 — 23150	2702	3791	4336	4830	5302
23151 — 23200	2706	3796	4341	4835	5307
23201 — 23250	2710	3801	4346	4840	5311
23251 — 23300	2714	3805	4350	4844	5316
23301 — 23350	2718	3810	4355	4849	5321
23351 — 23400	2722	3815	4360	4854	5326
23401 — 23450	2725	3820	4364	4859	5330
23451 — 23500	2729	3825	4369	4863	5335
23501 — 23550	2733	3829	4374	4868	5340
23551 — 23600	2737	3834	4378	4873	5345
23601 — 23650	2741	3839	4383	4877	5349
23651 — 23700	2745	3844	4388	4882	5354

Combined or Individual Adjusted Net Income (see 1 and 2 above)	One Child	Two Children	Three Children	Four Children	Five or More Children
23701 — 23750	2749	3849	4392	4887	5359
23751 — 23800	2752	3853	4397	4892	5364
23801 — 23850	2756	3858	4402	4896	5369
23851 — 23900	2760	3863	4407	4901	5373
23901 — 23950	2764	3868	4411	4906	5378
23951 — 24000	2768	3873	4416	4910	5383
24001 — 24050	2772	3877	4421	4915	5388
24051 — 24100	2776	3882	4425	4920	5392
24101 — 24150	2779	3887	4430	4925	5397
24151 — 24200	2783	3892	4435	4929	5402
24201 — 24250	2787	3897	4439	4934	5407
24251 — 24300	2791	3901	4444	4939	5411
24301 — 24350	2795	3906	4449	4943	5416
24351 — 24400	2799	3911	4453	4948	5421
24401 — 24450	2803	3916	4458	4953	5426
24451 — 24500	2806	3921	4463	4958	5430
24501 — 24550	2810	3925	4467	4962	5435
24551 — 24600	2814	3930	4472	4967	5440
24601 — 24650	2818	3935	4477	4972	5445
24651 — 24700	2822	3940	4482	4976	5449
24701 — 24750	2826	3945	4486	4981	5454
24751 — 24800	2830	3949	4491	4986	5459
24801 — 24850	2833	3954	4496	4991	5464
24851 — 24900	2837	3959	4500	4995	5468
24901 — 24950	2841	3964	4505	5000	5473
24951 — 25000	2845	3969	4510	5005	5478

[Court Order March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; September 3, 2021, effective January 1, 2022]

Rule 9.27 Child Support Guidelines Worksheets.**Rule 9.27 — Form 1: *Child Support Guidelines Worksheet.***

Form 1
Child Support Guidelines Worksheet

Docket no: _____

I. Net Monthly Income of Petitioner (Name) _____Select one: ☐ Custodial Parent ☐ Noncustodial Parent ☐ Joint Physical Care

Petitioner claims _____ child/children as tax dependents (list number claimed).

A. Sources and Amounts of Annual Income:

	\$	
	\$	
plus/minus spousal support payments per rule 9.5(1)	\$	
	Total:	\$ _____

B. Federal Tax Deduction:

Gross annual taxable income (\$ _____ untaxed)	\$	
less ½ self employment (FICA) tax	<	>
less federal adjustments to income	<	>
less personal exemptions: self + _____ (list number of dependents claimed)	<	>
less standard deduction		
single <input type="checkbox"/> head of household <input type="checkbox"/> married filing separate <input type="checkbox"/>	<	>
Net taxable income – federal	\$	
Federal tax liability (from tax table)	<	>
Federal tax credit for dependent children	+	
Final federal tax liability		< _____ >

C. State Tax Deduction:

Gross annual taxable income	\$	
less ½ self employment (FICA) tax	<	>
less state adjustments to income	<	>
less federal tax liability (adjusted for dependent tax credit)	<	>
less standard deduction		
single <input type="checkbox"/> head of household <input type="checkbox"/> married filing separate <input type="checkbox"/>	<	>
Net taxable income – state	\$	
State tax liability (from tax table)	\$	
less personal and dependent credits	<	>
plus school district surtax (_____ %)		
Final state tax liability		< _____ >

D. Social Security and Medicare Tax / Mandatory Pension Deduction:

Annual earned income	\$	
Applicable rate (7.65% or 15.3%, as adjusted)	x	%
Annual Social Security and Medicare tax liability or mandatory pension		
(For employees not contributing to Social Security, mandatory pension deduction not to exceed the current Social Security and Medicare rate for employees.)		< _____ >

E. Other Deductions (Annual):

1. Mandatory occupational license fees		
2. Union dues		
3. Health insurance premium costs for other children not in the pending matter (See rule 9.5(2)(f).)		
4. Cash medical support and prior obligation of child support actually paid pursuant to court or administrative order for other children not in the pending matter.		
5. Deduction for _____ additional qualified dependents		
6. If a custodial parent, Petitioner's child care expenses (No deduction allowed if variance granted under rule 9.11A.)	\$	
less federal child care tax credit	<	>
less state child care tax credit	<	>
less third party reimbursements	<	>

Actual child care expenses, as defined in rule 9.11A.

Preliminary Net Annual Income

Preliminary Average Monthly Income of Petitioner

7. Monthly cash medical support ordered in this pending action

Adjusted Net Monthly Income of Petitioner (Preliminary Average Monthly Income minus Monthly Cash Medical Support ordered in this action.)

< _____ >
\$ _____
\$ _____
< _____ >
\$ _____
\$ _____

II. Net Monthly Income of Respondent (Name) _____

Select one: ☐ Custodial Parent ☐ Noncustodial Parent ☐ Joint Physical Care

Respondent claims _____ child/children as tax dependents (list number claimed).

A. Sources and Amounts of Annual Income:

_____ \$ _____
_____ \$ _____
plus/minus spousal support payments per rule 9.5(1) \$ _____
Total: < _____ >

B. Federal Tax Deduction:

Gross annual taxable income (_____ untaxed) \$ _____
less ½ self employment (FICA) tax < _____ >
less federal adjustments to income < _____ >
less personal exemptions: self + _____ (list number of dependents claimed) < _____ >
less standard deduction < _____ >
single ☐ head of household ☐ married filing separate ☐ < _____ >
Net taxable income – federal \$ _____
Federal tax liability (from tax table) < _____ >
Federal tax credit for dependent children + _____
Final federal tax liability < _____ >

C. State Tax Deduction:

Gross annual taxable income \$ _____
less ½ self employment (FICA) tax < _____ >
less state adjustments to income < _____ >
less federal tax liability (adjusted for dependent tax credit) < _____ >
less standard deduction < _____ >
single ☐ head of household ☐ married filing separate ☐ < _____ >
Net taxable income – state \$ _____
State tax liability (from tax table) \$ _____
less personal and dependent credits < _____ >
plus school district surtax (_____ %) < _____ >
Final state tax liability < _____ >

D. Social Security and Medicare Tax / Mandatory Pension Deduction:

Annual earned income \$ _____
Applicable rate (7.65% or 15.3%, as adjusted) x _____ %
Annual Social Security and Medicare tax liability or mandatory pension
(For employees not contributing to Social Security, mandatory pension deduction not to exceed the current Social Security and Medicare rate for employees.) < _____ >

E. Other Deductions (Annual):

1. Mandatory occupational license fees < _____ >
2. Union dues < _____ >
3. Health insurance premium costs for other children not in the pending matter
(See rule 9.5(2)(f).) < _____ >
4. Cash medical support and prior obligation of child support actually paid
pursuant to court or administrative order for other children not in the pending
matter. < _____ >
5. Deduction for _____ additional qualified dependents < _____ >
6. If a custodial parent, Respondent's child care expenses \$ _____
(No deduction allowed if variance granted under rule 9.11A.) _____

less federal child care tax credit

< _____ >

less state child care tax credit

< _____ >

Actual child care expenses, as defined in rule 9.11A

< _____ >

Preliminary Net Annual Income

\$ _____

Preliminary Average Monthly Income of Respondent

\$ _____

7. Monthly cash medical support ordered in this pending action

< _____ >

Adjusted Net Monthly Income of Respondent (Preliminary average monthly income minus monthly cash medical support ordered in this action.)

\$ _____

III. Calculation of the Guideline Amount of Support (If applicable.)

	Custodial Parent (CP) [] Petitioner [] Respondent	Noncustodial Parent (NCP) [] Petitioner [] Respondent	Combined
A. Adjusted net monthly income	\$ _____	+ \$ _____	= \$ _____
B. Proportional share of income (Also used for uncovered medical expenses.)	_____ %	+ _____ %	= 100%
C. Number of children for whom support is sought			_____
D. Basic support obligation using only NCP's adjusted net monthly income (If low-income adjustment does not apply, enter N/A.)		\$ _____	
E. Basic support obligation using combined adjusted net monthly income (If low-income adjustment applies, enter N/A; <i>see</i> rule 9.3(2) and grid in rule 9.14(2).)			\$ _____
F. Each parent's share of the basic support obligation using combined incomes (If low-income adjustment applies, enter N/A.)	\$ _____	\$ _____	
G. NCP's basic support obligation before health insurance (NCP's amount from line F or low-income adjustment amount line D.)		\$ _____	
H. Allowable child(ren)'s portion of health insurance premium (Calculated pursuant to rule 9.14(5).)	\$ _____	\$ _____	
I. Health insurance add-on or deduction from NCP's obligation	+/-	\$ _____	
J. Guideline amount of child support for NCP (NCP's line G plus or minus NCP's line I.)		\$ _____	
Guideline amount of cash medical support (if ordered)		\$ _____	

III. a. Extraordinary Visitation Credit

(Complete only if noncustodial parent's court-ordered visitation exceeds 127 overnights per year.)

K. NCP's basic support obligation before health insurance (Amount from NCP's line G.)	\$ _____
L. Number of court-ordered visitation overnights with the noncustodial parent	_____
M. Extraordinary visitation credit percentage	_____ %
N. Extraordinary visitation credit (Line K multiplied by line M.)	\$ _____
O. Guideline amount of child support after credit for extraordinary visitation (Line J minus line N; not less than \$50 for one child, \$75 for two children, or \$100 for three or more children.)	\$ _____

III. b. Child Care Expense Variance under rule 9.11A

(As agreed by the parties and approved or determined by the court.)

P.	NCP's guideline amount of child support (Amount from line J above [or line O, if applicable].)	\$ _____
Q.	Amount of variance for child care expenses	\$ _____
R.	Adjusted amount of child support (Line P plus line Q.)	\$ _____

IV. Calculation of the Joint (Equally Shared) Physical Care Guideline Amount of Child Support (If applicable.)

	Petitioner CP 1	Respondent CP 2	Combined
A. Adjusted net monthly income	\$ _____	+ \$ _____	= \$ _____
B. Proportional share of income (Also used for uncovered medical expenses.)	_____ %	_____ %	= 100%
C. Number of children for whom support is sought			_____
D. Basic support obligation before health insurance (Use line A combined amount to find amount from Schedule of Basic Support Obligations. The low-income adjustment in the shaded area of the schedule does not apply to joint [equally shared] physical care support computations.)			\$ _____
E. Each parent's basic primary care amount before health insurance (Line B multiplied by line D for each parent.)	\$ _____	\$ _____	
F. Each parent's share of joint physical care support (Line E multiplied by 1.5 for each parent to account for extra costs for two residences.)	\$ _____	\$ _____	
G. Each parent's joint physical care support obligation before health insurance (Line F multiplied by .5 for each parent to account for 50% of time spent with each parent.)	\$ _____	\$ _____	
H. Allowable child(ren)'s portion of health insurance premium* (Calculated pursuant to rule 9.14(5).) *If either parent's net income on line A falls within low-income shaded Area A of the Schedule of Basic Support Obligations, enter N/A. The health insurance adjustment does not apply.	\$ _____	\$ _____	
I. Health insurance add-on to each parent's obligation (<i>see</i> rule 9.14(3).)	\$ _____	\$ _____	
J. Guideline amount of child support (Each parent's line G plus each parent's line I.)	\$ _____	\$ _____	

- K. Net amount of child support for joint physical care after offset (Subtract smaller amount on line J from larger amount on line J. Parent with larger amount on line J pays the other parent the difference, as a method of payment. If either parent receives assistance through the Family Investment Program [FIP], the other parent's obligation reverts to the amount on line J.)
- \$ _____ \$ _____

V. Special Findings

- A. Income imputed to Petitioner
Income imputed to Respondent
- B. Estimated income of Petitioner
Estimated income of Respondent
- C. Deviations made from Child Support Guidelines
- D. Requested amount of child support \$ _____ per month
- E. Split or divided physical care summary and offset
- | Guideline amount of
child support
Petitioner | Guideline amount of
child support
Respondent | Net amount of child
support after offset |
|--|--|---|
| \$ _____ | \$ _____ | \$ _____ |

VI. Changes in Child Support Obligation as Number of Children Entitled to Support Changes

(For cases with multiple children based on present income and applicable guidelines calculation method.)

VI. a. Basic Obligation (If applicable.)

Number of children	NCP's basic support obligation (NCP's line G)*	Health insurance add- on or deduction (NCP's line I)*	Extraordinary visitation credit (If applicable) (line N)*	Guideline amount of child support (line J or O)*
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____

*(All line references are to Division III, Calculation of the Guideline Amount of Child Support section of the worksheet.)

VI. b. Joint (Equally Shared) Physical Care Obligation (If applicable.)

Number of children	Guideline amount of child support Petitioner (CP 1 Line J)*	Guideline amount of child support Respondent (CP 2 Line J)*	Net amount of child support for joint physical care after offset (Line K)*
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

*(All line references are to Division IV, Calculation of the Joint [Equally Shared] Physical Care Guideline Amount of Child Support section of the worksheet.)

State of Iowa

ss:

County of _____

I certify under the penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct.

Date: _____

(Signature)_____
(Printed name)

The undersigned attorney for (Petitioner/Respondent) hereby certifies that this Child Support Guidelines Worksheet was prepared by me or at my direction in good faith reliance upon information available to me at this time.

Date: _____

(Attorney signature)

[Report November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; July 20, 2017, effective January 1, 2018; November 16, 2018, effective January 1, 2019; September 3, 2021, effective January 1, 2022]

Rule 9.27 — Form 2: *Child Support Guidelines Worksheet.***Form 2**
Child Support Guidelines Worksheet

Date: _____

Case no.: _____

Dependents: _____

Docket no.: _____

Name: _____

Name: _____

☐ Noncustodial Parent [NCP] ☐ Custodial Parent [CP]☐ Noncustodial Parent [NCP] ☐ Custodial Parent [CP]

Method(s) used to determine income:

Method(s) used to determine income:

☐ Parent's financial
statement/verified income☐ Parent's financial
statement/verified income☐ Other sources☐ Other sources☐ CSRU median income☐ CSRU median income**I. Adjusted Net Monthly Income Computation**

	Custodial Parent*	Noncustodial Parent*
	(name) _____	(name) _____
A. Gross monthly income	\$ _____	\$ _____
B. Federal income tax	\$ _____	\$ _____
C. State income tax	\$ _____	\$ _____
D. Social Security and Medicare tax / mandatory pension deduction	\$ _____	\$ _____
E. Mandatory occupational license fees deduction	\$ _____	\$ _____
F. Union dues	\$ _____	\$ _____
G. Health insurance premium costs for other children not in the pending matter (<i>See</i> rule 9.5(2)(f).)	\$ _____	\$ _____
H. Cash medical support and prior obligation of child support actually paid pursuant to court or administrative order for other children not in the pending matter	\$ _____	\$ _____
I. Qualified additional dependent deductions	\$ _____	\$ _____
J. Actual child care expenses, as defined in rule 9.11A, for the custodial parent* (No deduction allowed if variance granted under rule 9.11A.)	\$ _____	\$ _____
K. Preliminary net income for each parent (Line A minus lines B through J for each parent.)	\$ _____	\$ _____
L. Cash medical support, if ordered in this pending matter	\$ _____	\$ _____

M. Adjusted net monthly income
(Line K minus line L.)
(Amount used to calculate the guideline amount of child support.) \$ _____ \$ _____

*(In cases of joint physical care, use names only and designate both parents as custodial parents.)

II. Calculation of the Guideline Amount of Support (If applicable.)

	Custodial Parent (CP)		Noncustodial Parent (NCP)		Combined
	(name)		(name)		
A. Adjusted net monthly income	\$ _____	+	\$ _____	=	\$ _____
B. Proportional share of income (Also used for uncovered medical expenses.)	_____ %	+	_____ %	=	100%
C. Number of children for whom support is sought					_____
D. Basic support obligation using only NCP's adjusted net monthly income (If low-income adjustment does not apply, enter N/A.)			\$ _____		
E. Basic support obligation using combined adjusted net monthly income (If low-income adjustment applies, enter N/A; <i>see</i> rule 9.3(2) and grid in rule 9.14(2).)					\$ _____
F. Each parent's share of the basic support obligation using combined incomes (If low-income adjustment applies, enter N/A.)	\$ _____		\$ _____		
G. NCP's basic support obligation before health insurance (NCP's amount from line F or low-income adjustment amount from line D.)			\$ _____		
H. Allowable child(ren)'s portion of health insurance premium (Calculated pursuant to rule 9.14(5).)	\$ _____		\$ _____		
I. Health insurance add-on or deduction from NCP's obligation		+/-	\$ _____		
J. Guideline amount of child support for NCP (NCP's line G plus or minus NCP's line I.)			\$ _____		

II. a. Extraordinary Visitation Credit

Complete only if noncustodial parent's court-ordered visitation exceeds 127 overnights per year.

K. NCP's basic support obligation before health insurance (Amount from NCP's line G.)	\$ _____
L. Number of court-ordered visitation overnights with the noncustodial parent	_____
M. Extraordinary visitation credit percentage	_____ %
N. Extraordinary visitation credit (Line K multiplied by line M.)	\$ _____

- O. Guideline amount of child support (after credit for extraordinary visitation)
(Line J minus line N; not less than \$50 for one child, \$75 for two children, or \$100 for three or more children.)

\$ _____

II. b. Child Care Expense Variance under rule 9.11A

As agreed by the parties and approved or determined by the court.

- P. NCP's guideline amount of child support
(Amount from line J above [or line O, if applicable].)

\$ _____

- Q. Amount of variance for child care expenses

\$ _____

- R. Adjusted amount of child support
(Line P plus line Q.)

\$ _____

III. Calculation of the Joint (Equally Shared) Physical Care Guideline Amount of Child Support (If applicable.)

	CP 1	CP 2	Combined
	(name)	(name)	
A. Adjusted net monthly income	\$ _____	+ \$ _____	= \$ _____
B. Proportional share of income (Also used for uncovered medical expenses.)	_____ %	_____ %	= 100%
C. Number of children for whom support is sought			_____
D. Basic support obligation before health insurance (Use line A combined amount to find amount from Schedule of Basic Support Obligations. The low-income adjustment in the shaded area of the schedule does not apply to joint [equally shared] physical care support computations.)			\$ _____
E. Each parent's basic primary care amount before health insurance (Line B multiplied by line D for each parent.)	\$ _____	\$ _____	
F. Each parent's share of joint physical care support (Line E multiplied by 1.5 for each parent to account for extra costs for two residences.)	\$ _____	\$ _____	
G. Each parent's joint physical care support obligation before health insurance (Line F multiplied by .5 for each parent to account for 50% of time spent with each parent.)	\$ _____	\$ _____	
H. Allowable child(ren)'s portion of health insurance premium* (Calculated pursuant to rule 9.14(5).) (If either parent's net income on line A falls within low-income shaded Area A of the Schedule of Basic Support Obligations, enter N/A. The health insurance adjustment does not apply.)	\$ _____	\$ _____	
I. Health insurance add-on to each parent's obligation (See rule 9.14(3).)	\$ _____	\$ _____	

- J. Guideline amount of child support
(Each parent's line G plus each parent's line I.) \$ _____ \$ _____
- K. Net amount of child support for joint physical care after offset (Subtract smaller amount on line J from larger amount on line J. Parent with larger amount on line J pays the other parent the difference, as a method of payment. If either parent receives assistance through the Family Investment Program [FIP], the other parent's obligation reverts to the amount on line J.) \$ _____ \$ _____

IV. Deviations (See attachment.)**V. a. Recommended Amount of Support** \$ _____ per _____**V. b. Recommended Amount of Accrued Support** \$ _____ (See attachment.)**VI. Changes in Child Support Obligation as Number of Children Entitled to Support Changes**
(For cases with multiple children based on present income and applicable guidelines calculation method.)**VI. a. Basic Obligation** (If applicable.)

Number of children	NCP's basic support obligation (NCP's line G)*	Health insurance add-on or deduction (NCP's line I)*	Extraordinary visitation credit (If applicable.) (Line N)*	Guideline amount of child support (Line J or O)*
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____

*(All line references are to Division II, Calculation of the Guideline Amount of Support section of the worksheet.)

VI. b. Joint (Equally Shared) Physical Care Obligation (If applicable.)

Number of children	Guideline amount of child support (name) (CP 1 line J)*	Guideline amount of child support (name) (CP 2 line J)*	Net amount of child support for joint physical care after offset (line K)*
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

*(All line references are to Division III, Calculation of the Joint (Equally Shared) Physical Care Guideline Amount of Child Support section of the worksheet.)

VII. Qualified Additional Dependent Deduction (See guidelines for the definition of this term.)

Child's name	Whose child	Date of birth	Paternity Establishment Method			
			Court/ admin. order	In court stmt. & consent	Paternity affidavit	Child born during marriage

State of Iowa**ss:****County of** _____

I certify under the penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct.

Date: _____

(Signature)_____
(Printed name)

The undersigned attorney for _____ hereby certifies that this Child Support Guidelines Worksheet was prepared by me or at my direction in good faith reliance upon information available to me at this time.

Date: _____

(Attorney signature)If the Child Support Recovery Unit prepared this form, CSRU is not required to obtain signatures.
This Child Support Guidelines Worksheet was prepared by:_____
(CSRU Printed name)

Date: _____

[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; July 20, 2017, effective January 1, 2018; September 3, 2021, effective January 1, 2022]

Rule 9.27 — Form 3: *Child Support Guidelines Financial Information Statement.***Form 3**
Child Support Financial Information Statement

Case Identifying Information		
Full name (first, middle, last)		
County and court docket number	County	No.
Children on this case (attach additional page if needed)	<i>Initials</i>	<i>Birth year</i>
Child 1		
Child 2		
Your marital status:	Single	Married
Income		
Are you now employed?	Yes	No
Are you self-employed?	Yes	No
Are you full- or part-time?	Full-time	Part-time
Are you salaried or hourly?	Salaried	Hourly
What is your pay rate?	\$ per hour / week / month / year	
How many hours do you work?	per week / month / year	
Do you earn overtime?	Yes	No
What is your overtime pay rate?	\$ per hour	
How many overtime hours do you work?	per week / month / year	
Do you receive regular bonuses or commissions?	Yes	No
In what amounts and how often?	\$ per week / month / year	
Do you have any second or part-time jobs?	Yes	No
What is your pay rate?	\$ per hour / week / month / year	
How many hours do you work?	per week / month / year	
Do you receive spousal support?	Yes	No
In what amounts and how often?	\$ per week / month / year	
Under what county and state court order?	County	No.
Do you regularly receive any other monetary amounts?	Yes	No
From what sources?		
In what amounts and how often?	\$ per week / month / year	
Deductions		
Do you pay spousal support?	Yes	No
In what amounts and how often?	\$ per week / month / year	
Under what county and state court order?	County	No.
Do you make mandatory pension contributions?	Yes	No
In what amounts and how often?	\$ per week / bi-week / month / year	
Do you pay mandatory occupational license fees?	Yes	No
In what amounts and how often?	\$ per week / bi-week / month / year	

Deductions (continued)		
Do you pay union dues?	Yes	No
In what amounts and how often?	\$ per week / bi-week / month / year	
Do you pay <i>ongoing</i> medical support for other minor children?	Yes	No
Which children? (initials and birth year only)		
In what amounts and how often?	\$ per week / month / year	
Under what county and state court order?	County	No.
How much have you actually paid in last year?	\$	
Do you pay <i>ongoing</i> child support for other minor children?	Yes	No
Which children? (initials and birth year only)		
In what amounts and how often?	\$ per week / month / year	
Under what county and state court order?	County	No.
When was the order originally entered?		
How much have you actually paid in last year?	\$	
Do you pay child care expenses for this case's children?	Yes	No
In what amounts and how often?	\$ per week / month / year	

Other Children		
Do you have other minor children (not stepchildren)?	Yes	No
<i>Child's Initials</i> (attach additional page if needed)	<i>Child's birth year</i>	<i>Are you legally responsible? *</i>
Child 1:		
Child 2:		

* To be legally responsible means that you either (1) gave birth to the child, (2) adopted the child, (3) were married to the birth mother when the child was conceived or born, (4) executed a paternity affidavit, or (5) were found and ordered responsible in an administrative or judicial order.

Health Insurance and Health Care Coverage Plans		
Do you have a health care coverage plan available?	Yes	No
What is the cost for just you? (<i>single plan</i>)	\$ per week / bi-week / month	
What is the cost to cover additional people? (<i>family plan</i>)	\$ per week / bi-week / month	
Does your plan cover other people?	Yes	No
<i>Including you</i> , how many people does your plan cover?		
Do you have the children enrolled in hawk-i?	Yes	No
What is your total monthly hawk-i premium?	\$	
Do you have the children enrolled in Medicaid?	Yes	No
Do you receive FIP or Medicaid?	Yes	No
Do you live with a child receiving FIP, Medicaid, or hawk-i?	Yes	No

Pursuant to Iowa Code §622.1, I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the information provided on this form is true and correct to the best of my information and belief.

Signed: _____

Date: _____

[Court Order September 3, 2021, effective January 1, 2022]

CHAPTER 12

RULES FOR INVOLUNTARY HOSPITALIZATION OF MENTALLY ILL PERSONS

Rule 12.1	Application — forms obtained from clerk
Rule 12.2	Termination of proceedings — insufficient grounds
Rule 12.3	Notice to respondent — requirements
Rule 12.4	Notice requirement — waiver
Rule 12.5	Hearings — continuance
Rule 12.6	Attorney conference with respondent — location — transportation
Rule 12.7	Service, other than personal
Rule 12.8	Return of service
Rule 12.9	Amendment of proof of service
Rule 12.10	Attorney evidence and argument — predetermination
Rule 12.11	Attorney evidence and argument — after confinement
Rule 12.12	Examination report to attorney
Rule 12.13	Physician's report
Rule 12.14	Probable cause
Rule 12.15	Hearing — county location
Rule 12.16	Hearing — location at hospital or treatment facility
Rule 12.17	Respondent's rights explained before hearing
Rule 12.18	Subpoenas
Rule 12.19	Presence at hearing — exceptions
Rule 12.20	Hearing — electronic recording
Rule 12.21	Transfer from county of confinement
Rule 12.22	Evaluation and treatment
Rule 12.23	Evaluation — time extension
Rule 12.24	Evaluation report
Rule 12.25	Reports issued by clerk
Rule 12.26	Clerk's filing system
Rule 12.27	Emergency detention — magistrate's approval
Rule 12.28	Emergency detention — medical officer absent from facility
Rule 12.29	Attorney appointed
Rule 12.30	Chemotherapy procedure
Rule 12.31	Outpatient treatment plan
Rules 12.32 to 12.35	Reserved
Rule 12.36	Forms for involuntary hospitalization of mentally ill persons
Form 1:	Application Alleging Serious Mental Impairment Pursuant to Iowa Code Section 229.6
Form 2:	Affidavit in Support of Application Alleging Serious Mental Impairment Pursuant to Iowa Code Section 229.6
Form 3:	Notice to Respondent Pursuant to Iowa Code Section 229.7
	Removed from chapter by court order May 22, 2019, effective September 3, 2019.
Form 4:	Order for Immediate Custody Pursuant to Iowa Code Section 229.11
	Removed from chapter by court order May 22, 2019, effective September 3, 2019.
Form 5:	Order Appointing Attorney Pursuant to Iowa Code Section 229.8
	Removed from chapter by court order May 22, 2019, effective September 3, 2019.
Form 6:	Application for Appointment of Counsel and Financial Statement

Form 7:	Appointment of Physician Pursuant to Iowa Code Section 229.8 Removed from chapter by court order May 22, 2019, effective September 3, 2019.
Form 8:	Physician's Report of Examination Pursuant to Iowa Code Section 229.10(2)
Form 9:	Order for Continuance Pursuant to Iowa Code Section 229.10(4) Removed from chapter by court order May 22, 2019, effective September 3, 2019.
Form 10:	Stipulation Pursuant to Iowa Code Section 229.12 and Iowa Ct. R. 12.19
Form 11:	Notice of Medication Pursuant to Iowa Code Section 229.12(1)
Form 12:	Discharge and Termination of Proceeding Pursuant to Iowa Code Section 229.12 Removed from chapter by court order May 22, 2019, effective September 3, 2019.
Form 13:	Findings of Fact and Order Pursuant to Iowa Code Section 229.13 Removed from chapter by court order May 22, 2019, effective September 3, 2019.
Form 14:	Notice of Termination of Proceedings Pursuant to Iowa Code Section 229.21
Form 15:	Notice of Order Pursuant to Iowa Code Section 229.21
Form 16:	Application for Order for Extension of Time for Psychiatric Evaluation Pursuant to Iowa Code Section 229.13
Form 17:	Order Re: Extension of Time Pursuant to Iowa Code Section 229.13 Removed from chapter by court order May 22, 2019, effective September 3, 2019.
Form 18:	Chief Medical Officer's Report of Psychiatric Evaluation Pursuant to Iowa Code Section 229.14
Form 19:	Chief Medical Officer's Periodic Report Pursuant to Iowa Code Section 229.15(1)
Form 20:	Periodic Report Pursuant to Iowa Code Section 229.15(2)
Form 21:	Periodic Report Pursuant to Iowa Code Section 229.15(3). (Alternate Placement)
Form 22:	Notice of Chief Medical Officer's Report or Application Pursuant to Iowa Code Section 229.13 Removed from chapter by court order May 22, 2019, effective September 3, 2019.
Form 23:	Order After Evaluation Pursuant to Iowa Code Section 229.14 Removed from chapter by court order May 22, 2019, effective September 3, 2019.
Form 24:	Notice of Appeal From the Findings of the Judicial Hospitalization Referee
Form 25:	Attorney's Report and Request for Withdrawal Pursuant to Iowa Code Section 229.19
Form 26:	Claim for Attorney or Physician's Fees Order and Certificate
Form 27:	Order of Detention Pursuant to Iowa Code Section 229.22(2) Removed from chapter by court order May 22, 2019, effective September 3, 2019.

- Form 28: Magistrate's Report Pursuant to Iowa Code Section 229.22(2)(a)
Removed from chapter by court order May 22, 2019, effective September 3, 2019.
- Form 29: Emergency Hospitalization Order Pursuant to Iowa Code Section 229.22, Subsections (3) and (4)
Removed from chapter by court order May 22, 2019, effective September 3, 2019.
- Form 30: Quarterly Report of Patient Advocate Pursuant to Iowa Code Section 229.19(6)
Removed from chapter by court order March 6, 2020.
- Form 31: Notice to Patient of Name of Advocate Pursuant to Iowa Code Section 229.19
- Form 32: Notice to Respondent Pursuant to Iowa Code Section 229.14(2)(d)
Removed from chapter by court order May 22, 2019, effective September 3, 2019.
- Form 33: Hospitalization Order Pursuant to Iowa Code Section 229.14(2)(d)
Removed from chapter by court order May 22, 2019, effective September 3, 2019.

CHAPTER 12

RULES FOR INVOLUNTARY HOSPITALIZATION OF MENTALLY ILL PERSONS

[Forms included at rule 12.36]

See Iowa Code section 229.40

Rule 12.1 Application — forms obtained from clerk. A form for application seeking the involuntary hospitalization or treatment of any person on grounds of serious mental impairment may be obtained from the clerk of court in a county in which the person whose hospitalization is sought resides or is presently located. Such application may be filled out and presented to the clerk by any person who has an interest in the treatment of another for serious mental impairment and who has sufficient contact with or knowledge about that person to provide the information required on the face of the application and by Iowa Code section 229.6. The clerk or clerk's designee shall provide the forms required by Iowa Code section 229.6 to the person who desires to file the application for involuntary commitment. The clerk shall see that all the necessary information required by Iowa Code section 229.6 accompanies the application.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.2 Termination of proceedings — insufficient grounds. If the judge or referee determines that insufficient grounds to warrant a hearing on the respondent's serious mental impairment appear on the face of the application and supporting documentation, the judge or referee shall order the proceedings terminated, so notify the applicant, and all papers and records pertaining thereto shall be confidential and subject to the provisions of Iowa Code section 229.24.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.3 Notice to respondent — requirements.

12.3(1) If the judge or referee determines that sufficient grounds to warrant a hearing on the respondent's serious mental impairment appear on the face of the application and supporting documentation, the sheriff or sheriff's deputy shall immediately serve notice, personally and not by substitution, on the respondent. Pursuant to Iowa Code section 229.9, notice shall also be served on respondent's attorney as soon as the attorney is identified or appointed by the judge or referee.

12.3(2) If the respondent is being taken into immediate custody pursuant to Iowa Code section 229.11, the notice shall include a copy of the order required by section 229.11 and rule 12.14.

12.3(3) The notice of procedures required under Iowa Code section 229.7 shall inform the respondent of the following:

- a. The respondent's immediate right to counsel, at county expense if necessary.
- b. The right to request an examination by a physician of the respondent's choosing, at county expense if necessary.
- c. The right to be present at the hearing.
- d. The right to a hearing within five days if the respondent is taken into immediate custody pursuant to Iowa Code section 229.11.
- e. The right not to be forced to hearing sooner than forty-eight hours after notice, unless respondent waives such minimum prior notice requirement.
- f. The respondent's duty to remain in the jurisdiction and the consequences of an attempt to leave.
- g. The respondent's duty to submit to examination by a physician appointed by the court.

[Supreme Court Report 1979; amendment 1982; November 9, 2001, effective February 15, 2002]

Rule 12.4 Notice requirement — waiver. The respondent may waive the minimum prior notice requirement only in writing and only if the judge or referee determines that the respondent's best interests will not be harmed by such waiver.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.5 Hearings — continuance. At the request of the respondent or the respondent's attorney, the hearing provided in Iowa Code section 229.12 may be continued beyond the statutory limit in order that the respondent's attorney has adequate time to prepare for the case, and in such instances custody pursuant to Iowa Code section 229.11 may be extended by court order until the hearing is

held. The continuance shall be no longer than five days beyond the statutory limit, unless respondent gives written consent to the longer continuance.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.6 Attorney conference with respondent — location — transportation. If the respondent is involuntarily confined prior to the hearing pursuant to a determination under Iowa Code section 229.11, the respondent's attorney may apply to the judge or referee for an opportunity to confer with the respondent, in a place other than the place of confinement, in advance of the hearing provided for in Iowa Code section 229.12. The order shall provide for transportation and the type of custody and responsibility therefor during the period the respondent is away from the place of confinement under this rule.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.7 Service, other than personal. If personal service as defined in rule 12.3 cannot be made, any respondent may be served as provided by court order, consistent with due process of law.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.8 Return of service. Returns of service of notice shall be made as provided in Iowa R. Civ. P. 1.308.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.9 Amendment of proof of service. Amendment of process or proof of service shall be allowed in the manner provided in Iowa R. Civ. P. 1.309.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.10 Attorney evidence and argument — predetermination. If practicable the court should allow the respondent's attorney to present evidence and argument prior to the judge's determination under Iowa Code section 229.11.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.11 Attorney evidence and argument — after confinement. If the respondent's attorney is afforded no opportunity to present evidence and argument prior to the determination under Iowa Code section 229.11, the attorney shall be entitled to do so after the determination during the course of respondent's confinement pursuant to an order issued under that section.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.12 Examination report to attorney. The clerk shall furnish the respondent's attorney with a copy of the examination report filed pursuant to Iowa Code section 229.10(2), as soon as possible after receipt. In ruling on any request for an extension of time under Iowa Code section 229.10(4), the court shall consider the time available to the respondent's attorney after receipt of the examination report to prepare for the hearing and to prepare responses from physicians engaged by the respondent, where relevant. Respondent's attorney shall promptly file a copy of a report of any physician who has examined respondent and whose evidence the attorney expects to use at the hearing. The clerk shall provide the court and the county attorney with a copy thereof when filed.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.13 Physician's report. The court-designated physician shall submit a written report of the examination as required by Iowa Code section 229.10(2) on the form designated for use by the supreme court. The report shall contain the following information, or as much thereof as is available to the physician making the report:

- (1) Respondent's name;
- (2) Address;
- (3) Date of birth;
- (4) Place of birth;
- (5) Sex;
- (6) Occupation;
- (7) Marital status;
- (8) Number of children, and names;

- (9) Nearest relative's name, relationship, and address; and
 - (10) The physician's diagnosis and recommendations with a detailed statement of the facts, symptoms and overt acts observed or described to the physician, which led to the diagnosis.
- [Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.14 Probable cause. The judge's or referee's immediate custody order under Iowa Code section 229.11 shall include a finding of probable cause to believe that the respondent is seriously mentally impaired and is likely to inflict self-injury or injure others if allowed to remain at liberty.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.15 Hearing — county location. The hearing provided in Iowa Code section 229.12 shall be held in the county where the application was filed unless the judge or referee finds that the best interests of the respondent would be served by transferring the proceedings to a different location.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.16 Hearing — location at hospital or treatment facility. The hearing required by Iowa Code section 229.12 may be held at a hospital or other treatment facility, provided a proper room is available and provided such a location would not be detrimental to the best interests of the respondent.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.17 Respondent's rights explained before hearing. The respondent's rights as set out in rule 12.3(3) and the possible consequences of the procedures shall be explained to the respondent by the respondent's attorney to the extent possible. Prior to the commencement of the hearing under Iowa Code section 229.12, the judge or referee shall ascertain whether the respondent has been so informed.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.18 Subpoenas. Subpoena power shall be available to all parties participating in the proceedings, and subpoenas or other investigative demands may be enforced by the judge or referee.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.19 Presence at hearing — exceptions.

12.19(1) The person(s) filing the application and any physician or mental health professionals who have examined respondent and have submitted a written examination of the respondent in connection with the hospitalization proceedings must be present at the hearing conducted under Iowa Code section 229.12 unless their presence is waived by the respondent's attorney, the judge or referee finds their presence is not necessary, or their testimony can be taken through telephonic means and the respondent's attorney does not object.

12.19(2) The respondent must be present at the hearing unless prior to the hearing the respondent's attorney stipulates in writing to respondent's absence, such stipulation to state that the attorney has conversed with the respondent, that in the attorney's judgment the respondent can make no meaningful contribution to the hearing, and the basis for such conclusions. A stipulation to the respondent's absence shall be reviewed by the judge or referee before the hearing, and may be rejected if it appears that insufficient grounds are stated or that the respondent's interests would not be served by respondent's absence.

[Supreme Court Report 1979; amendment 1980; October 11, 1991, effective January 2, 1992; November 9, 2001, effective February 15, 2002]

Rule 12.20 Hearing — electronic recording. An electronic recording or other verbatim record of the hearing provided in Iowa Code section 229.12 shall be made and retained for three years or until the respondent has been discharged from involuntary custody for 90 days, whichever is longer.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.21 Transfer from county of confinement. If the respondent is in custody in another county prior to the hearing provided in Iowa Code section 229.12, respondent's attorney may request that the respondent be delivered to the county in which the hearing will be held prior thereto in order to facilitate preparation by respondent's attorney. Such requests should be denied only if they are unreasonable and if the denial would not harm respondent's interests in representation by counsel.

This rule is not intended to authorize permanent transfer of the respondent to another facility without conformance to appropriate statutory procedures.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.22 Evaluation and treatment. If the respondent is found by the court to be seriously mentally impaired following a hearing under Iowa Code section 229.12, evaluation and treatment shall proceed as set out in Iowa Code section 229.13.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.23 Evaluation — time extension. If, pursuant to Iowa Code section 229.13, the chief medical officer requests an extension of time for evaluation beyond 15 days, the chief medical officer shall file application in the form prescribed by this chapter with the clerk of court in the county in which the hearing was held. The application shall contain a statement by the chief medical officer or the officer's designee identifying with reasonable particularity the facts and reasons in support of the request for extension. The clerk shall immediately notify the respondent's attorney of the request and shall furnish a copy of the application to the attorney. The clerk shall also immediately furnish a copy of the application to the respondent's advocate, if one has been appointed.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.24 Evaluation report. The findings of the chief medical officer pursuant to Iowa Code section 229.14 must state with reasonable particularity on the form prescribed by this chapter the facts and basis for the diagnostic conclusions concerning the respondent's serious mental impairment and recommended treatment, including but not limited to: The basis for the chief medical officer's conclusion as to respondent's mental illness, judgmental capacity concerning need for treatment, treatability, and dangerousness; and the basis for the chief medical officer's conclusions concerning recommended treatment including the basis for the judgment that the chief medical officer's treatment recommendation is the least restrictive alternative treatment pursuant to options (a), (b), (c), or (d) of Iowa Code section 229.14(1).

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; October 1, 2008, effective December 15, 2008]

Rule 12.25 Reports issued by clerk. The clerk shall promptly furnish copies of all reports issued under Iowa Code section 229.15 to the patient's attorney or advocate or to both if they both are serving in their respective capacities at the same time, and such reports shall comply substantially with the requirements of rule 12.24.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.26 Clerk's filing system. The clerk shall institute an orderly system for filing periodic reports required under Iowa Code section 229.15 and shall in timely fashion ascertain when a report is overdue. In the event a report is not filed, the clerk shall contact the chief medical officer of the treatment facility and obtain a report.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.27 Emergency detention — magistrate's approval. If the magistrate does not immediately proceed to the facility where a person is detained pursuant to Iowa Code section 229.22, the magistrate shall verbally communicate approval or disapproval of the detention and such communication shall be duly noted by the chief medical officer of the facility on the form prescribed by this chapter.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.28 Emergency detention — medical officer absent from facility. If the facility to which the respondent is delivered pursuant to Iowa Code section 229.22 lacks a chief medical officer, the person then in charge of the facility shall, if treatment appears necessary to protect the respondent, immediately notify a physician. The person in charge of the facility shall then immediately notify the magistrate.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.29 Attorney appointed. As soon as practicable after the respondent's delivery to a facility under Iowa Code section 229.22, the magistrate shall identify or appoint an attorney for the respondent and shall immediately notify such attorney of respondent's emergency detention. If counsel can be identified at the time of respondent's arrival at a facility, or if legal services are available through a legal aid or public defender office, the magistrate must immediately notify such counsel and such counsel shall be afforded an opportunity to see the respondent and to make such preparation as is appropriate before or after the magistrate's order is issued.

[Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.30 Chemotherapy procedure. When chemotherapy has been instituted prior to a hearing under Iowa Code section 229.12, the chief medical officer of the facility where the respondent is hospitalized shall, prior to the hearing, submit to the clerk of the district court where the hearing is to be held, a report in writing listing all types of chemotherapy given for purposes of affecting the respondent's behavior or mental state during any period of custody authorized by Iowa Code section 229.4(3), 229.11 or 229.22. For each type of chemotherapy the report shall indicate either the chemotherapy was given with the consent of the patient or the patient's next of kin or guardian or the way the chemotherapy was "necessary to preserve the patient's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue." The report shall also include the effect of the chemotherapy on the respondent's behavior or mental state. The clerk shall file the original report in the court file, advise the judge or referee and the respondent's attorney accordingly and provide a copy of the report to respondent's attorney if so requested.

[Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.31 Outpatient treatment plan. If, pursuant to Iowa Code section 229.14(3), the chief medical officer determines that the patient is suited for outpatient care, the chief medical officer (or a designee) shall determine the specific care and treatment guidelines upon which the outpatient status will be based and shall discuss these guidelines with the patient. These written guidelines shall be known as the Outpatient Treatment Plan (O.T.P.). If the chief medical officer (or a designee) alleges that the O.T.P. has been breached, the judge or a judicial hospitalization referee shall hold a hearing as provided by Iowa Code sections 229.14(3) and 229.12 to determine whether the patient should be rehospitalized, whether the O.T.P. should be revised, or whether some other remedy should be ordered. The patient shall be given reasonable notice of such a hearing.

[Supreme Court Report 1982; amendment 1983; November 9, 2001, effective February 15, 2002]

Rules 12.32 to 12.35 Reserved.

Rule 12.36 Forms for involuntary hospitalization of mentally ill persons.**Rule 12.36 — Form 1: Application Alleging Serious Mental Impairment Pursuant to Iowa Code Section 229.6.**

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA	
DATE: _____	
TIME: _____	
IN THE MATTER OF: _____, ALLEGED TO BE SERIOUSLY MENTALLY IMPAIRED, Respondent.	No. _____ <p style="text-align: center;">APPLICATION ALLEGING SERIOUS MENTAL IMPAIRMENT PURSUANT TO IOWA CODE SECTION 229.6</p>
I _____, of _____ (address), allege Respondent is suffering from serious mental impairment. In support thereof I state as follows:	

Based on the above facts, I believe Respondent is a danger to himself or herself or others or may be causing serious emotional injury to persons who are unable to remove themselves from Respondent's presence.

Do you request the respondent be taken into immediate custody? Yes ☐ No ☐

☐ Attached hereto is a written statement of a licensed physician in support of this application.

☐ Attached hereto is an affidavit corroborating these allegations.

Oath and Signature

I, _____, have read this Application, and I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Application is true and correct.

Applicant's signature*	Month	Day	20	Year
Mailing address	City	State	ZIP code	
() Phone number	Email address	Additional email address, if applicable		

*Whether filing electronically or in paper, you must *handwrite* your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Form 1 [Supreme Court Report 1979; amendment 1981; November 9, 2001, effective February 15, 2002; Court Order March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

Rule 12.36 — Form 2: *Affidavit in Support of Application Alleging Serious Mental Impairment Pursuant to Iowa Code Section 229.6.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,

**AFFIDAVIT IN SUPPORT OF APPLICATION
ALLEGING SERIOUS MENTAL IMPAIRMENT
PURSUANT TO IOWA CODE SECTION 229.6**

Respondent.

I _____, of _____ (address), state that I

am acquainted with Respondent who resides at _____
(Street) (City)

_____ County, Iowa and that I believe the above named person is seriously mentally impaired.

In support thereof, I state as follows:

Oath and Signature

I, _____, have read this Affidavit, and I certify under penalty

Print your full name: first, middle, last

of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Affidavit is true and correct.

Affiant's signature¹⁶

_____, 20____
Month Day Year

<i>Mailing address</i>	<i>City</i>	<i>State</i>	<i>ZIP code</i>
------------------------	-------------	--------------	-----------------

() _____
Phone number Email address Additional email address, if applicable

Whether filing electronically or in paper, you must **handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.*

Rule 12.36 — Form 3: *Notice to Respondent Pursuant to Iowa Code Section 229.7.*

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 3 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; November 10, 2011, effective January 9, 2012; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 4: *Order for Immediate Custody Pursuant to Iowa Code Section 229.11.*

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 4 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 5: *Order Appointing Attorney Pursuant to Iowa Code Section 229.8.*

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 5 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 6: Application for Appointment of Counsel and Financial Statement.

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA	
IN THE MATTER OF: _____, ALLEGED TO BE SERIOUSLY MENTALLY IMPAIRED, Respondent.	No. _____ APPLICATION FOR APPOINTMENT OF COUNSEL AND FINANCIAL STATEMENT

I, the undersigned, say that I am (respondent) (respondent's spouse) (next friend) or (guardian) herein, and I request the Court to appoint counsel to represent respondent at public expense. The following statement relating to respondent's financial affairs is submitted in support of this application.

Name _____

Address _____

Marital status _____

Number and ages of dependents _____

Business or employment _____

Average weekly earnings _____

Total income past 12 months _____

Is respondent now in custody: Yes _____ No _____. If NO, is respondent working and at what salary: _____

Is spouse working: Yes _____ No _____. If so, name of employer and average weekly wage _____

Motor vehicles: List make, year, amount owing thereon, if any, and how title is registered _____

List balance of bank accounts of respondent and spouse _____

List all sources of income other than salary from employment _____

Describe real estate owned, if any, and value thereof _____

Total amount of debts: _____

List on the reverse side hereof all other assets owned by respondent, other than clothing and personal effects.

Oath and Signature

I, _____, have read this Application, and I certify under penalty

Print your full name: first, middle, last

of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Application is true and correct.

_____, 20____
Applicant's signature * *Month* *Day* *Year*

Mailing address *City* *State* *ZIP code*

(_____) _____
Phone number *Email address* *Additional email address, if applicable*

*Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.

Form 6 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; Court Order March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

Rule 12.36 — Form 7: *Appointment of Physician Pursuant to Iowa Code Section 229.8.*

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 7 [Supreme Court Report 1979; amendment 1981; Court Order April 3, 1996, effective July 1, 1996; November 9, 2001, effective February 15, 2002; August 6, 2007, effective October 15, 2007; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 8: Physician's Report of Examination Pursuant to Iowa Code Section 229.10(2).

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,**PHYSICIAN'S REPORT OF
EXAMINATION PURSUANT TO
IOWA CODE SECTION 229.10(2)**

Respondent.

DATE AND TIME OF EXAMINATION _____

1. Respondent's Name _____

2. Address _____
(Street) (City or Town) (County) (State)3. Date of Birth _____
(Day) (Month) (Year)

4. Place of Birth _____

5. Sex _____

6. Occupation _____

7. Marital Status _____

8. Number of Children, and Names _____

9. Nearest Relative's Name _____ Relationship _____

Address _____
(Street) (City or Town) (County) (State)

10. Is this an examination under Iowa Code section 229.11?

11. Did a qualified mental health professional assist with this exam? If so, who?

(Please provide address.) If the professional's report is written, please attach.

12. In your judgement, is respondent mentally ill? _____
If so, state diagnosis and supporting facts:

13. In your judgment is respondent capable of making responsible decisions with respect to hospitalization or treatment?

If not, state supporting facts:14. In your judgment, is the respondent treatable? _____
If so, state diagnosis and supporting facts:

15. In your judgment, would the respondent benefit from treatment?

16. In your judgment, is the respondent likely to physically injure himself or herself or others?

(a) What overt acts have led you to conclude the respondent is likely to physically injure himself or herself or others?

Physician's Report of Examination Pursuant to Iowa Code Section 229.10(2) (*cont'd*)

17. In your judgment, is the respondent likely to inflict severe emotional injury on those unable to avoid contact with the respondent?
18. Can the respondent be evaluated on an out-patient basis?
Basis for answer:
19. Can the respondent, without danger to self or others, be released to the custody of a relative or friend during the course of evaluation?
20. Is full-time hospitalization necessary for evaluation?
21. Does the respondent have a prior history of other physical or mental illness? If yes, please specify.
22. Was the patient medicated at the time of examination? If so, please supply the following information:

MEDICINE _____

DOSAGE _____

TIME _____

Signed _____
Physician

Address _____

Rule 12.36 — Form 9: *Order for Continuance Pursuant to Iowa Code Section 229.10(4).*

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 9 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 10: *Stipulation Pursuant to Iowa Code Section 229.12 and Iowa Ct. R. 12.19.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,
Respondent.

**STIPULATION PURSUANT TO
IOWA CODE SECTION 229.12 AND
IOWA CT. R. 12.19**

It is hereby stipulated that Respondent need not be present at the hearing to determine the respondent's serious mental impairment.

(1) I have conversed with respondent about the hearing and the respondent's absence on _____
(date).

(2) In my judgment, respondent can make no meaningful contribution to the hearing. I base this judgment on the following grounds: _____

SIGNED

Respondent's Attorney

Rule 12.36 — Form 11: *Notice of Medication Pursuant to Iowa Code Section 229.12(1).*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,**NOTICE OF MEDICATION
PURSUANT TO
IOWA CODE SECTION 229.12(1)**

Respondent.

I, _____, physician, inform (Judge _____ P.M.
or _____ Referee) that the respondent was medicated at A.M.
on _____, _____ 20 _____.

The medication will cause the following probable effects:

The medication (may) (probably will not) affect respondent's ability to understand the nature of these proceedings.

SIGNED

Physician

Form 11 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 12: *Discharge and Termination of Proceeding Pursuant to Iowa Code Section 229.12.*

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 12 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 13: *Findings of Fact and Order Pursuant to Iowa Code Section 229.13.*

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 13 [Supreme Court Report 1979; amendment 1981; November 9, 2001, effective February 15, 2002; November 10, 2011, effective January 9, 2012; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 14: *Notice of Termination of Proceedings Pursuant to Iowa Code Section 229.21.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,

Respondent.

**NOTICE OF TERMINATION
OF PROCEEDINGS PURSUANT
TO IOWA CODE SECTION 229.21**

TO THE CHIEF JUDGE OF THE _____ JUDICIAL DISTRICT OR DESIGNEE:

Please be advised that I have terminated the proceedings in regard to the above Respondent for the reasons stated in the order entered, a copy of which is attached.

Judicial Hospitalization Referee_____
County, Iowa

Form 14 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 15: *Notice of Order Pursuant to Iowa Code Section 229.21.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,

Respondent.

**NOTICE OF ORDER
PURSUANT TO IOWA CODE
SECTION 229.21**

TO THE CHIEF JUDGE OF THE _____ JUDICIAL DISTRICT OR DESIGNEE:

Please be advised that I have issued an order regarding the above Respondent for the reasons stated in the order and findings of fact, copies of which are attached.

DATE OF HOSPITALIZATION _____

Judicial Hospitalization Referee_____
County, Iowa

Form 15 [Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 16: *Application for Order for Extension of Time for Psychiatric Evaluation Pursuant to Iowa Code Section 229.13.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

DATE _____

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,

Respondent.

**APPLICATION FOR ORDER
FOR EXTENSION OF TIME
FOR PSYCHIATRIC
EVALUATION PURSUANT TO
IOWA CODE SECTION 229.13**I, _____, Chief Medical Officer of the _____
(Facility)

request an extension of time not to exceed seven days in order to complete the psychiatric evaluation of Respondent.

I request this extension because:

I feel this extension is in Respondent's best interests.

Chief Medical Officer
Facility

Form 16 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 17: *Order Re: Extension of Time Pursuant to Iowa Code Section 229.13.*

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 17 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 18: Chief Medical Officer's Report of Psychiatric Evaluation Pursuant to Iowa Code Section 229.14.

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
Respondent.**CHIEF MEDICAL OFFICER'S
REPORT OF PSYCHIATRIC
EVALUATION PURSUANT TO
IOWA CODE SECTION 229.14**

DATE AND TIME OF EVALUATION _____

1. Treatment that respondent has received during the present hearing and evaluation period.
2. Chemotherapy respondent has received: Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given at this hospital to the respondent for purposes of affecting the patient's behavior or mental state, along with the effect on the respondent's behavior or mental state.
3. Have there been previous psychiatric illnesses?
If so, give approximate dates:

Was hospitalization or treatment necessary?
If so, give place, date, length of stay, condition on discharge:
4. Has the respondent any other disease or injury at present?
If so, specify:
5. Respondent's past medical history.
6. Is respondent suffering from any transmissible disease or has respondent been exposed to such a disease within the past three weeks?
If so, specify:
7. Is there a family history of mental illness, or mental deficiency, or convulsive disorder?
If so, give names, relationship and type of disorder:
8. In your judgment is respondent mentally ill?
If so, state diagnosis and supporting facts:
9. In your judgment is respondent capable of making responsible decisions with respect to hospitalization or treatment?
If not, state supporting facts:
10. In your judgment, is the respondent treatable? _____
If so, state diagnosis and supporting facts:
11. In your judgment, is the respondent likely to injure himself or herself or others?
(a) What overt acts have led you to conclude the respondent is likely to physically injure himself or herself or others?

Chief Medical Officer's Report of Psychiatric Evaluation Pursuant to Iowa Code Section 229.14 (*cont'd*)

12. In your judgment, is the respondent likely to inflict severe emotional injury on those unable to avoid contact with the respondent?
13. **PROPOSED TREATMENT.**
Please state one of the four alternative findings contained in Iowa Code section 229.14:*
- A. If respondent does not require full-time hospitalization, please state your recommendation for treatment on an out-patient or other appropriate basis:
- B. If respondent is in need of full-time custody and care but is unlikely to benefit from further treatment in a hospital, please recommend an alternative placement:
- C. Other:
14. State facts and reasons supporting your judgment that the recommended course of treatment is the least restrictive, effective treatment for this patient:

Signed _____

Address _____

- *1. That the respondent does not, as of the date of the report, require further treatment for serious mental impairment. (Iowa Code section 229.14(1))
2. That the respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital, and is considered likely to benefit from treatment. (Iowa Code section 229.14(2))
3. That the respondent is seriously mentally impaired and in need of treatment, but does not require full-time hospitalization. (Iowa Code section 229.14(3))
4. That the respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from further treatment in a hospital. (Iowa Code section 229.14(4))

Form 18 [Supreme Court Report 1979; amendment 1980; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 19: Chief Medical Officer's Periodic Report Pursuant to Iowa Code Section 229.15(1).

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

Respondent.

**CHIEF MEDICAL OFFICER'S
PERIODIC REPORT
PURSUANT TO IOWA CODE
SECTION 229.15(1)**

1. An order for continued hospitalization of the respondent at this hospital was entered _____, 20 ____.
2. Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given at this hospital to the respondent for purposes of affecting the patient's behavior or mental state since the last report to the court, along with the effect on the respondent's behavior or mental state.
3. In my opinion, the patient's condition (has improved) (remains unchanged) (has deteriorated).
4. Check one box.
 - ☐ (a) Respondent was tentatively discharged on _____, 20 ____, pursuant to Iowa Code section 229.16 because in my opinion the respondent no longer requires treatment or care for serious mental impairment. (See EXPLANATION below.)
 - ☐ (b) Respondent was transferred to _____ on _____, 20 ____, pursuant to Iowa Code section 229.15(4) because in my opinion it is in the best interest of the respondent. (See EXPLANATION below.)
 - ☐ (c) Respondent was placed on leave on _____, 20 ____, pursuant to Iowa Code section 229.15(4) because in my opinion it is in the best interest of the patient. Patient was instructed to return on _____, 20 _____. (See EXPLANATION below.)
 - ☐ (d) Respondent continues to be hospitalized in this hospital.

EXPLANATION:

(If 4 (a) is applicable, skip items 5 through 8.)

5. In my opinion the following subsection of Iowa Code section 229.14 is applicable (check one box):
 - ☐ (a) Respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital and is considered likely to benefit from treatment. (See EXPLANATION under item 7 below.)
 - ☐ (b) Respondent is seriously mentally impaired and in need of treatment, but does not require full-time hospitalization. (For treatment recommendations, see RECOMMENDATIONS below.)
 - ☐ (c) Respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from further treatment in a hospital. (For recommendations of alternate placement, see RECOMMENDATIONS below.)

RECOMMENDATIONS:

Chief Medical Officer's Periodic Report Pursuant to Iowa Code Section 229.15(1) (*cont'd*)

(If 5 (b) or (c) is applicable, skip items 6 and 7.)

6. I estimate that the further length of time the respondent will be required to remain in the hospital to be (not possible to be determined) (_____ days).

7. I recommend (check one box):

☐ (a) the respondent remain in this hospital. (See EXPLANATION below.)

☐ (b) the respondent be transferred to _____ or another hospital.
(See EXPLANATION below.)

☐ (c) the respondent remain in the hospital to which the respondent has already been transferred.
(See EXPLANATION under item 4 above.)

☐ (d) the patient remain on leave until the date specified for return in item 4 (c) above. (See EXPLANATION under item 4 above.)

☐ (e) the patient be placed on leave until _____, 20 _____. (See EXPLANATION below.)

EXPLANATION:

8. If continued hospitalization is recommended, state the reasons that in your judgment the recommended course of treatment is the least restrictive, effective treatment for this patient:

Signed _____
Hospital _____

Rule 12.36 — Form 20: *Periodic Report Pursuant to Iowa Code Section 229.15(2).*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
Respondent.**PERIODIC REPORT
PURSUANT TO IOWA CODE
SECTION 229.15(2)**

1. An order for treatment of the respondent on an outpatient or other appropriate basis at this facility was entered _____, 20 ____.
2. Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given to or prescribed for the respondent at this facility for purposes of affecting the patient's behavior or mental state since the last report to the court, along with the effect on the respondent's behavior or mental state.
3. In my opinion, the patient's condition (has improved) (remains unchanged) (has deteriorated).
4. Check one box.
 - ☐ (a) Respondent was tentatively discharged on _____, 20 ____, pursuant to Iowa Code section 229.16 because in my opinion the respondent no longer requires treatment or care for serious mental impairment. (See EXPLANATION below.)
 - ☐ (b) Respondent is failing or refusing to submit to treatment as ordered by the court and, in my opinion, has not shown good cause. (See EXPLANATION below.)
 - ☐ (c) Respondent is in treatment as directed by the order of the court. (See EXPLANATION below.)

EXPLANATION:

(If 4 (a) is applicable, skip items 5 through 7.)

5. In my opinion the following subsection of Iowa Code section 229.14 is applicable (check one box):
 - ☐ (a) Respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital and is considered likely to benefit from treatment. (See EXPLANATION below.)
 - ☐ (b) Respondent is seriously mentally impaired and in need of treatment, but can continue in outpatient treatment. (See EXPLANATION below.)
 - ☐ (c) Respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from treatment in a hospital. (For recommendation of alternate placement, see EXPLANATION below.)

EXPLANATION:

(If 5 (a) or (c) is applicable, skip item 6.)

6. I estimate that the further length of time the respondent will require outpatient or other appropriate treatment at this facility to be (not possible to be determined) (_____ days).

Periodic Report Pursuant to Iowa Code Section 229.15(2) (*cont'd*)

7. If inpatient hospitalization is recommended, state the reasons that in your judgment the recommended course of treatment is the least restrictive, effective treatment for this patient.

Signed _____
(Provide name and title of person submitting report)

Facility _____

Form 20 [Supreme Court Report 1980; November 9, 2001, effective February 15, 2002; October 1, 2008, effective December 15, 2008]

Rule 12.36 — Form 21: Periodic Report Pursuant to Iowa Code Section 229.15(3). (Alternate Placement)

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

Respondent.

**PERIODIC REPORT PURSUANT TO
IOWA CODE SECTION 229.15(3)
(ALTERNATE PLACEMENT)**

1. An order for continued placement of the respondent at this facility was entered _____, 20 ____.
2. Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given at this facility to the respondent for purposes of affecting the patient's behavior or mental state since the last report to the court, along with the effect on the respondent's behavior or mental state.
3. In my opinion, the patient's condition (has improved) (remains unchanged) (has deteriorated). Additional information concerning the patient's condition and prognosis is provided below:
4. Check one box.
 - ☐ (a) Respondent was tentatively discharged on _____, 20 ____, pursuant to Iowa Code section 229.16 because in my opinion the respondent no longer requires treatment or care for serious mental impairment. (See EXPLANATION below.)
 - ☐ (b) Respondent continues to be in the custody of this facility.

EXPLANATION:

(If 4 (a) is applicable, skip items 5 and 6.)

5. In my opinion the following subsection of Iowa Code section 229.14 is applicable (check one box):
 - ☐ (a) Respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital and is considered likely to benefit from treatment. (See RECOMMENDATIONS below.)
 - ☐ (b) Respondent is seriously mentally impaired and in need of treatment, but does not require full-time hospitalization. (See RECOMMENDATIONS below.)
 - ☐ (c) Respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from further treatment in a hospital. (See RECOMMENDATIONS below, which recommend continued placement at this facility or alternate placement.)

RECOMMENDATIONS:

(If 5 (b) is applicable, skip item 6.)

6. If placement in a hospital is recommended, state the reasons that in your judgment the recommended course of treatment is the least restrictive, effective treatment for this patient. If placement in a facility other than a hospital is recommended, state the reasons that in your judgment the respondent is unlikely to benefit from treatment in a hospital.

Signed _____

Facility _____

Rule 12.36 — Form 22: *Notice of Chief Medical Officer's Report or Application Pursuant to Iowa Code Section 229.13.*

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 22 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 23: *Order After Evaluation Pursuant to Iowa Code Section 229.14.*

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 23 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 24: *Notice of Appeal From the Findings of the Judicial Hospitalization Referee.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,**NOTICE OF APPEAL
FROM THE FINDINGS
OF THE JUDICIAL
HOSPITALIZATION REFEREE**

Respondent.

TO: _____, JUDGE OF THE _____ JUDICIAL DISTRICT OF IOWA AND
_____, CLERK OF THE DISTRICT COURT:The undersigned hereby appeals the findings of _____ Judicial Hospitalization Referee,
that Respondent is serious mentally impaired and requests a review of the matter by a Judge of the Iowa District Court In
and For _____ County, Iowa, all pursuant to Iowa Code section 229.21.

Dated the _____ day of _____, 20 ____.

SIGNED

(Respondent, Next Friend, Guardian, Attorney)

Rule 12.36 — Form 25: *Attorney's Report and Request for Withdrawal Pursuant to Iowa Code Section 229.19.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,
Respondent.**ATTORNEY'S REPORT AND REQUEST
FOR WITHDRAWAL PURSUANT TO
IOWA CODE SECTION 229.19**COMES NOW, _____, a regularly practicing attorney of _____
County, Iowa, and reports:

After having been employed or appointed to represent _____, the above named Respondent, I interviewed respondent, attended the hearing on the application, examined the attending physician or the reports thereof, examined any hospital reports available, and examined the witnesses who appeared at the hearing:

It is my opinion that there is no further need of legal services at this time.

I hereby request to be allowed to withdraw as attorney for the above-named Respondent.

Name:

Address:

City:

Phone No.:

ATTORNEY FOR RESPONDENT

On this _____ day of _____, 20____, the Application for withdrawal of _____, as attorney for respondent, was considered by the undersigned and is hereby approved. Said counsel is hereby released from the above matter. The undersigned hereby appoints (or has previously appointed) _____, as advocate for respondent.

Judge of the _____ Judicial

District of Iowa or

Judicial Hospitalization Referee

Rule 12.36 — Form 26: Claim for Attorney or Physician's Fees Order and Certificate.

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA	
IN THE MATTER OF: _____, ALLEGED TO BE SERIOUSLY MENTALLY IMPAIRED, Respondent.	No. _____ <div style="text-align: center;">CLAIM FOR ATTORNEY OR PHYSICIAN'S FEES ORDER AND CERTIFICATE</div>

STATE OF IOWA, _____ COUNTY, ss:

The undersigned (attorney) (physician), states that he/she was appointed by the (Court) (Judicial Hospitalization Referee) to (defend) (examine) the above-named respondent, alleged to be seriously mentally impaired, pursuant to Iowa Code section 229.8; that services have been completed by this claimant as set forth on the attached itemized statement and that this claimant has not directly, or indirectly, received, or entered into a contract to receive, any compensation for such services from any sources.

WHEREFORE, this claimant prays for an order to be compensated in accordance with the provisions of Iowa Code section 229.8.

Oath and Signature

I, _____, have read this Claim, and I certify under
Print your full name: first, middle, last

penalty of perjury and pursuant to the laws of the State of Iowa that the information I have provided in this Claim is true and correct.

	Month	Day	20____ Year
<i>Claimant's signature**</i>			
	City	State	ZIP code
<i>Mailing address</i>			
(_____) _____ <i>Phone number</i>	_____ <i>Email address</i>	_____ <i>Additional email address, if applicable</i>	

***Whether filing electronically or in paper, you must handwrite your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.*

ORDER

The foregoing verified claim has been duly considered, is fixed and approved in the sum of \$ _____ and ordered paid out of the county treasury. The Clerk is directed to certify a copy of above claim and this order to the County Auditor for payment to claimant, as provided by statute.

Dated this _____ day of _____, 20 ____.

 Judge of the _____ Judicial
 District of Iowa or
 Judicial Hospitalization Referee

Claim for Attorney or Physician's Fees Order and Certificate (*cont'd*)

CERTIFICATE

The above is a true copy of claim and order as appears of record in my office and is hereby certified to County Auditor for payment.

Dated this _____ day of _____, 20 ____.

(Deputy) Clerk of Said Court

Form 26 [Supreme Court Report 1979; amendment 1981; November 9, 2001, effective February 15, 2002; Court Order March 31, 2020, temporarily effective March 31, 2020, permanently effective May 30, 2020]

Rule 12.36 — Form 27: *Order of Detention Pursuant to Iowa Code Section 229.22(2).*

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 27 [Supreme Court Report 1979; amendment 1980; amendment 1981; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 28: *Magistrate's Report Pursuant to Iowa Code Section 229.22(2)(a).*

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 28 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 29: *Emergency Hospitalization Order Pursuant to Iowa Code Section 229.22, Subsections (3) and (4).*

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 29 [Supreme Court Report 1979; November 9, 2001, effective February 15, 2002; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 30: *Quarterly Report of Patient Advocate Pursuant to Iowa Code Section 229.19(6)*.

Removed from chapter by court order March 6, 2020.

Form 30 [Supreme Court Report 1981; November 9, 2001, effective February 15, 2002; March 6, 2020]

Rule 12.36 — Form 31: *Notice to Patient of Name of Advocate Pursuant to Iowa Code Section 229.19.*

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

No. _____

_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,**NOTICE TO PATIENT OF
NAME OF ADVOCATE
PURSUANT TO IOWA CODE
SECTION 229.19**

Respondent.

To: _____

You are hereby notified that _____
is now your patient advocate. This advocate will be communicating with you and representing your interests in any matter relating to your hospitalization and treatment.

Clerk of District Court

Form 31 [Supreme Court Report 1981; November 9, 2001, effective February 15, 2002]

Rule 12.36 — Form 32: *Notice to Respondent Pursuant to Iowa Code Section 229.14(2)(d).*

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 32 [Supreme Court Report 1982; November 9, 2001, effective February 15, 2002; March 9, 2009, effective May 11, 2009; May 22, 2019, effective September 3, 2019]

Rule 12.36 — Form 33: *Hospitalization Order Pursuant to Iowa Code Section 229.14(2)(d).*

Removed from chapter by court order May 22, 2019, effective September 3, 2019.

Form 33 [Supreme Court Report 1982; November 9, 2001, effective February 15, 2002; March 9, 2009, effective May 11, 2009; May 22, 2019, effective September 3, 2019]

CHAPTER 36

GRIEVANCE COMMISSION RULES OF PROCEDURE

Rule 36.1	Complaints
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CHAPTER 36

GRIEVANCE COMMISSION RULES OF PROCEDURE

Rule 36.1 Complaints.

36.1(1) Any complaint of the Iowa Supreme Court Attorney Disciplinary Board (disciplinary board) must be filed with the Iowa Supreme Court Grievance Commission (grievance commission) in the name of the disciplinary board as the complainant and against the attorney named in the charges as the respondent. The disciplinary board must prosecute the complaint and charges before the grievance commission until final disposition.

36.1(2) Every complaint filed against an attorney with the grievance commission by the disciplinary board must be signed and sworn to by the disciplinary board chair and served upon the attorney as provided in rule 36.5. The complaints must be sufficiently clear and specific in their charges to reasonably inform the attorney against whom the complaint is made of the misconduct the attorney is alleged to have committed.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.1(1) formerly appeared as Iowa Court Rule 36.3. Rule 36.1(2) formerly appeared at Iowa Court Rule 35.5. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.2 Docket; complaints; filings.

36.2(1) The grievance commission clerk must maintain a permanent docket of complaints in substantially the same manner as the records relating to civil actions in district court. The clerk must separately number and file each complaint. All subsequent answers, motions, applications, petitions, pleadings, orders, or other related documents will be made part of the file.

36.2(2) The grievance commission clerk must file and preserve all complaints, answers, motions, applications, petitions, pleadings, orders, records, reports, exhibits, evidence, and other documents or things filed under this chapter or received in evidence in a hearing before the grievance commission in Des Moines, Iowa, and the files must at all times be available to the supreme court or anyone the court designates.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.2(1) formerly was included in Iowa Court Rule 36.4. Rule 36.2(2) formerly appeared at Iowa Court Rule 35.5. Rule 36.2 is amended to conform an internal reference to the new rule numbers and to reduce duplication with rule 36.4. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.3 Report of filing. The grievance commission clerk must report the filing of each complaint to the grievance commission chair, who must by written order direct that the grievance commission as a whole, or a specified division of the commission, hear each complaint.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.3 formerly appeared as Iowa Court Rule 36.5. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.4 Grievance commission; divisions. Grievance commission commissioners may act as a body or in such divisions as the grievance commission chair may direct. Each division must consist of five members. The chair must designate the personnel of each division for each complaint as required. The chair must appoint one member to serve as division president. The chair will select two additional members as alternates.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.4 formerly appeared as Iowa Court Rule 36.2. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.5 Notice to respondent.

36.5(1) Upon the filing of a complaint, the grievance commission clerk must serve a written notice of the complaint, a copy of the complaint, and a copy of chapter 36 of the Iowa Court Rules upon the respondent.

36.5(2) The grievance commission clerk may serve notice of the complaint by personal service in the manner of an original notice in civil suits or by restricted certified mail to the respondent's last address as shown by records accessible to the supreme court. The notice must inform the respondent of the 20-day period following completed service of the notice to file a written answer to the complaint. Written return of service must be made by the person making the service if by personal service, or by the grievance commission clerk with postal receipts attached to the return if by restricted certified mail, and the return of service must be filed. Service is complete on the date of personal service or on the date shown by the postal receipt of delivery of the notice to the respondent or refusal of the

respondent to accept delivery. The notice is sufficient if it substantially complies with the form that accompanies these rules.

36.5(3) If service cannot be obtained pursuant to rule 36.5(2), the grievance commission clerk may serve notice of the complaint on the supreme court clerk, who is appointed to receive service on behalf of attorneys subject to Iowa's disciplinary authority. Iowa R. Prof'l Conduct 32:8.5 cmt. [1]. Service upon the supreme court clerk is deemed to be completed service of the notice on the respondent. Simultaneously with serving notice on the supreme court clerk, the grievance commission clerk must forward the notice and a copy of the complaint to the respondent by restricted certified mail to the respondent's last address as shown by records accessible to the supreme court. The notice must instruct the respondent to file a written answer to the complaint within 20 days after completed service of the notice. The grievance commission clerk must file with the supreme court clerk an affidavit attesting that notice was sent to the respondent by restricted certified mail.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.5 formerly appeared as Iowa Court Rule 36.6. It is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.6 Filing and service of documents. All answers, motions, applications, petitions, and pleadings in connection with a complaint must be electronically filed with the clerk of the grievance commission. The grievance commission clerk must transmit copies to the parties and the grievance commission chair if the commission is sitting as a whole or to the grievance commission division president to whom the complaint has been referred.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; July 24, 2019, effective August 1, 2019; October 24, 2019, effective January 1, 2020; December 2, 2021]

COMMENT: Rule 36.6 formerly appeared as Iowa Court Rule 36.11. It is amended to conform an internal reference to the new rule numbers and reduce duplication with rule 36.2. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.7 Answer. The respondent must file a written answer to the complaint within 20 days from the completed service of notice. For good cause shown upon written application, the grievance commission may grant an extension of time for filing an answer. If the respondent fails or refuses to file an answer within the time specified, the allegations of the complaint are deemed admitted, and the matter will proceed to a hearing on the issue of the appropriate sanction.

[Court Order January 26, 2016, effective April 1, 2016]

Rule 36.8 Notices by complainant and respondent.

36.8(1) Allegation of misappropriation or conversion. If the complainant intends to assert that a respondent misappropriated or converted client or third-party funds in violation of rule 32:1.15 or chapter 45 of the Iowa Court Rules, the complainant must specifically allege in the complaint the respondent's misappropriation or conversion for personal use without a colorable future claim to the funds. The division president may for good cause shown allow amendment of the complaint to specifically allege misappropriation or conversion, provided the respondent is given notice of the amendment and an adequate opportunity to respond before the hearing commences. In granting leave to amend, the division president may impose terms and conditions, including a delay or continuance of the hearing.

36.8(2) Colorable future claim. A respondent who intends to rely on the defense of a colorable future claim to funds taken from a trust account to avoid a finding of misappropriation must, within the time set for the making of pretrial motions or at such later time as the division president directs, file written notice of such intention. The division president may for good cause shown allow late filing of the notice. The respondent bears the burden of coming forward with evidence in support of a colorable future claim, but the burden to prove conversion remains with the complainant.

36.8(3) Failure to comply. If a respondent fails to abide by the time period described in rule 36.8(2), the respondent may not offer evidence on the issue of colorable future claim without leave of the division president for good cause shown. In granting leave, the division president may impose terms and conditions including a delay or continuance of hearing.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.8 is a new rule, intended to require notice of an allegation of misappropriation and use of the colorable future claim defense in trust account conversion cases. In 2014, the supreme court discussed the advisability of specifically alleging misappropriation or conversion for personal use in the complaint so that the respondent has adequate notice. *Iowa Sup. Ct. Att'y Disciplinary Bd. v. Kelsen*, 855 N.W.2d 175 (Iowa 2014). The supreme court subsequently stated that a complaint alleging theft or misappropriation must "specifically allege misappropriation or conversion of a client retainer for personal use without a colorable future claim." *Iowa Sup. Ct. Att'y Disciplinary Bd. v. Cepican*, 861 N.W.2d 841 (Iowa 2015). In another 2014 attorney discipline case, the supreme court addressed allocation of the burden of proof with respect to the so-called colorable future claim defense to conversion

of client funds held in trust. The court decided to allocate the burden of coming forward with evidence of a colorable future claim to the respondent attorney, but left the burden of proving conversion with the attorney disciplinary board. *Iowa Sup. Ct. Att’y Disciplinary Bd. v. Carter*, 847 N.W.2d 228 (Iowa 2014). Rule 36.8 requires that the complainant specifically include in its complaint any allegation of misappropriation or conversion, and the rule incorporates a notice requirement for a respondent intending to assert the colorable future claim defense, similar to the notice requirements for alibi, insanity, diminished capacity, and other defenses described in Iowa Rule of Criminal Procedure 2.11(11). [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 36.9 Challenge regarding impartiality; four-member divisions.

36.9(1) Within the time allowed for filing an answer to the complaint, the respondent may challenge the impartiality of any member of the grievance commission or division by filing a motion setting forth the grounds for challenge. The motion will be disposed of as provided in rule 36.14. If the challenge is sustained, the vacancy thus created will be filled as provided in rule 36.4.

36.9(2) With the consent of the complainant and the respondent, a grievance commission division may consist of four members. If the four-member division is evenly divided between a recommendation of sanction or dismissal, the division must enter a dismissal of the complaint pursuant to the provisions of rule 36.19. Upon such dismissal, the complainant may apply for permission to appeal pursuant to rule 36.22.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.9 formerly appeared at Iowa Court Rule 36.13. It is amended to conform an internal rule reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.10 Setting case for hearing; pretrial conference and scheduling order.

36.10(1) After 30 days have elapsed from the date of service of the complaint and a grievance commission division is appointed to hear the matter, the grievance commission clerk must arrange a scheduling conference with the division members and the parties to schedule the hearing, discovery, and other pretrial matters. Notice of the scheduling conference must be provided at least 10 days prior to the scheduled telephone conference.

36.10(2) The hearing must be held not less than 60 days nor more than 90 days after the date the answer is due. A respondent who waives this requirement must file a written application for waiver of speedy hearing with the grievance clerk at least three days prior to the rule 36.10(1) scheduling conference. Hearings may only be set outside of this period if the division president finds that good cause exists and the respondent does not object. At least 10 days before the date set for the hearing, the grievance commission clerk must mail to all parties and division members a copy of the order setting the hearing. If a party does not participate in the scheduling conference, the grievance commission clerk must provide notice of the hearing to the party by restricted certified mail or personal service.

36.10(3) The division president must file a scheduling order regarding discovery and other pretrial matters after the telephone conference. The scheduling order must specify deadlines for disclosure of expert witnesses, service of discovery requests, service of responses to discovery, exchange of witness and exhibit lists, exchange of exhibits, amendment of pleadings, objections to witnesses or exhibits, motions to resolve discovery issues, and any other pretrial matters the division president deems appropriate.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; July 24, 2019, effective August 1, 2019; October 24, 2019, effective January 1, 2020; December 16, 2019, effective January 1, 2020]

COMMENT: Rule 36.10 formerly appeared as Iowa Court Rule 35.7. It is amended to conform an internal reference to the new rule numbers and eliminate duplication with rule 36.11. In addition, provisions for a mandatory pretrial conference and a scheduling order regarding discovery and other pretrial matters are added, reflecting actual grievance commission pretrial practice. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.11 Time and place of hearing. The grievance commission chair or the division president to whom a complaint has been referred must direct a hearing to be held upon the complaint in the respondent’s county of residence or, at the discretion of the grievance commission chair, within any other judicial district as most nearly serves the convenience of the parties and must designate by written order the time and place for the hearing. If the respondent files written objections to conducting the hearing in the respondent’s county of residence, the hearing must be held at such other place as the grievance commission chair or division president directs by written order, in which case a new notice of the hearing date must be given. If all parties and the division president agree, the hearing may be held by videoconference or telephone.

[Court Order January 26, 2016, effective April 1, 2016; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 36.11 formerly appeared as Iowa Court Rule 36.8. It is amended to eliminate duplication with rule 36.10. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.12 Continuances. A hearing may not be continued except for good cause, upon written application supported by affidavit. Except in a case of emergency, any motion for continuance must be filed at least seven days before the day of hearing. Any objections to continuance must be filed promptly.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.12 formerly appeared as Iowa Court Rule 36.9. It is amended to include language formerly in Iowa Court Rule 35.7 regarding the written application and affidavit. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.13 Discovery. In any disciplinary proceeding or action taken by the disciplinary board, discovery is permitted as provided in Iowa Rules of Civil Procedure 1.501(2) and 1.501(3), 1.502 through 1.504, 1.505(2), 1.506, 1.508 through 1.517, 1.701, 1.704, 1.705, and 1.707 through 1.717. The attorney against whom a complaint is filed, in addition to the restriction stated in Iowa Rule of Civil Procedure 1.503(1), is not required to answer an interrogatory pursuant to Iowa Rule of Civil Procedure 1.509, a request for admission pursuant to Iowa Rule of Civil Procedure 1.510, a question upon oral examination pursuant to Iowa Rule of Civil Procedure 1.701, or a question upon written interrogatories pursuant to Iowa Rule of Civil Procedure 1.710, if the answer would be self-incriminatory. In addition, evidence and testimony may be perpetuated as provided in Iowa Rules of Civil Procedure 1.721 through 1.728. If either party is to utilize discovery, it must be commenced within 30 days after service of the complaint. The grievance commission may permit amendments to the complaint to conform to the proof or to raise new matters as long as the respondent has notice and a reasonable time to prepare a defense prior to the date set for hearing. The grievance commission or any grievance commission division may receive an application and may enter an order to enforce discovery or to perpetuate any evidence. Discovery pursuant to this rule includes a respondent's right to obtain a copy of the disciplinary board's file pursuant to Iowa Court Rule 35.4(4).

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.13 formerly appeared as Iowa Court Rule 35.6. It is amended to conform an internal reference to the new rule numbers. Rule 36.13 also is amended based on changes to discovery rules for civil cases adopted effective January 1, 2015, with the goal of selectively incorporating the new discovery rules in civil cases to reflect current discovery practice before the grievance commission. The incorporated rules allow discovery by oral deposition, written interrogatories, requests for admission, requests for production, physical or mental examination, and depositions upon written interrogatories. Iowa Rule of Civil Procedure 1.507 regarding a discovery plan is not incorporated. Current grievance commission practice, incorporated in rule 36.10, is to craft a discovery plan that accommodates the hearing date and enter a scheduling order at the time the hearing date is set by telephone conference. Iowa Rules of Civil Procedure 1.501(1) and 1.505 are not incorporated because the contemplated initial disclosures are not relevant in attorney disciplinary cases or are already subject to disclosure in other parts of the attorney disciplinary process and the timing provisions are not compatible with the pace of attorney disciplinary proceedings. Similarly, Iowa Rule of Civil Procedure 1.702 regarding small claims and Iowa Rule of Civil Procedure 1.706 regarding substituted parties do not apply in attorney disciplinary proceedings. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.14 Prehearing motions and hearings. If prompt written request is filed by or on behalf of any party for a hearing upon any preliminary motion or application filed in connection with a complaint, the chair of the grievance commission sitting as a whole or the division president to whom such complaint has been referred must by written order set a time and place of hearing on the motion or application and must notify all parties and attorneys. After the hearing, or if none is requested, the grievance commission chair or division president, as the case may be, or any member of the grievance commission or division designated by the chair or president must file a written ruling upon the motion or application, and thereafter all parties must promptly comply with the ruling's terms and conditions.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.14 formerly appeared as Iowa Court Rule 36.12. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.15 Subpoenas.

36.15(1) The grievance commission has subpoena power on behalf of the disciplinary board and the attorney against whom a complaint is filed to compel the appearance of persons or the production of documents during discovery and the final hearing. The grievance commission clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it. That party must complete the subpoena for service. An attorney licensed or otherwise authorized to practice law in Iowa, as an officer of the court, also may issue and sign a subpoena.

36.15(2) Any attack on the validity of a subpoena must be heard or determined by the grievance commission chair, the division president, or any division member to whom a complaint has been referred. Any resulting order is not appealable prior to entry of the grievance commission final

ruling, report, or recommendation. Disobedience of a grievance commission subpoena is punishable as contempt in the district court for the county where the hearing is to be held. A contempt proceeding is not a matter of public record.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.15 formerly appeared as Iowa Court Rule 35.8. It is amended to conform an internal reference to the new rule numbers and to flow more logically. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.16 Stipulated submissions.

36.16(1) The parties may stipulate and agree to waive formal hearing and submit the complaint to the grievance commission for its decision on the basis of a written stipulation the parties approve and file with the grievance commission clerk. The grievance commission may consider the complaint on the basis of the stipulation, refuse to accept the stipulation and proceed with a formal hearing, or accept the stipulation but conduct a limited hearing to elicit such additional evidence as the grievance commission may deem necessary to facilitate informed consideration of the complaint. A stipulation under this rule must be submitted not less than 15 days before the date set for hearing. A stipulation submitted pursuant to this rule may include a statement regarding the proposed discipline, including additional or alternative sanctions as provided in rule 36.19. A stipulation submitted pursuant to this rule must include:

a. For each rule violation stipulated, a separate paragraph stating supporting facts sufficient to allow the grievance commission and the supreme court to find a factual basis for concluding the violation occurred.

b. A separate statement of conclusions of law as to the stipulated violations.

c. A separate description of mitigating and aggravating circumstances.

d. A stipulation as to all exhibits.

e. A waiver of the formal hearing as to matters contained in the stipulation, the parties' agreement to submit the matter on the basis of the stipulation, and an agreement to closure of the record unless the grievance commission directs further proceedings.

f. If the parties stipulate to a sanction, a separate paragraph supported by citations to prior Iowa Supreme Court discipline decisions and a discussion as to why those decisions support the stipulated sanction.

36.16(2) If the grievance commission accepts a stipulation of facts, the stipulation binds the parties, the grievance commission, and the supreme court. The grievance commission must interpret the stipulation of facts with reference to its subject matter and in light of the surrounding circumstances and the whole record, including the state of the pleadings, issues involved, and any additional evidence elicited at a limited hearing.

36.16(3) A stipulation as to violations or sanctions is not binding on the grievance commission or the supreme court. The grievance commission must consider the statement of proposed discipline, but the statement does not limit the commission. The commission may recommend greater or lesser discipline, including additional or alternative sanctions.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 36.16 formerly appeared as Iowa Court Rule 35.9. It is amended to conform an internal reference to the new rule numbers. In addition, more specific requirements for the content of stipulated submissions and more specific provisions regarding the effect of stipulations are included based on the decisions of *Iowa Sup. Ct. Att'y Disciplinary Bd. v. Haskovec*, 869 N.W.2d 554 (Iowa 2015) and *Iowa Sup. Ct. Att'y Disciplinary Bd. v. Gailey*, 790 N.W.2d 801 (Iowa 2010). [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 36.17 Conduct of hearing.

36.17(1) At the time and place set for the hearing upon any complaint, the grievance commission or division must proceed to hear the evidence and arguments of the parties. The hearing is not open to the public.

36.17(2) The respondent may present character evidence by sworn affidavit, which must be filed as part of the respondent's exhibits. The affidavit must be admitted into evidence unless the complainant indicates, at least three days prior to the scheduled hearing date, that it intends to cross-examine the affiant. In such case, the affidavit must not be received into evidence, and the affiant must testify in the manner of all other witnesses. The respondent may similarly offer the character evidence of a subpoenaed judge by sworn affidavit, subject to the same constraints if the complainant timely indicates its intention to cross-examine the affiant judge. All other witnesses must testify at the hearing after administration of an oath or affirmation by a grievance commission member or other

person authorized by law to administer oaths, and their testimony must be officially reported by a duly qualified court reporter.

36.17(3) If the respondent previously has been publicly reprimanded, the respondent's license has been suspended or revoked, or the respondent has been disbarred, a certified copy of said action must be admitted into evidence at any hearing involving disciplinary proceedings without the necessity of a bifurcated hearing. The grievance commission and the supreme court will consider this evidence with all other evidence in the case in determining the respondent's fitness to practice law in the State of Iowa.

36.17(4) Either party may use principles of issue preclusion in an attorney discipline case if all of the following conditions exist:

a. The issue has been resolved in a civil proceeding that resulted in a final judgment or in a criminal proceeding that resulted in a finding of guilt, even if the disciplinary board was not a party to the prior proceeding.

b. The burden of proof in the prior proceeding was greater than a preponderance of the evidence.

c. The party seeking preclusive effect has given written notice to the opposing party, not less than 10 days prior to the hearing, of the party's intention to invoke issue preclusion.

36.17(5) The respondent may defend and has the right to participate in the hearing in person and by counsel to cross-examine, to be confronted by witnesses, and to present evidence.

36.17(6) The presentation of evidence must conform to the Iowa Rules of Civil Procedure and the Iowa Rules of Evidence. The grievance commission chair or division president will determine all questions of procedure, including objections to evidence.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: The majority of rule 36.17 formerly appeared at Iowa Court Rule 36.14. Rules 36.17(3) and 36.17(4) formerly appeared at Iowa Court Rule 35.7. [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 36.18 Oaths. Any member of the grievance commission may administer oaths or affirmations to all witnesses and must cause such testimony to be officially reported by a court reporter.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.18 formerly appeared as Iowa Court Rule 36.10. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.19 Action upon complaint; report of decision.

36.19(1) At the conclusion of a hearing upon any complaint against an attorney, the grievance commission may permit a reasonable time for the parties to file post-hearing briefs and arguments. The commissioners must dismiss the complaint, issue a private admonition, or recommend that the supreme court reprimand the respondent or suspend or revoke the respondent's license. If the commissioners recommend a reprimand, suspension, or revocation, they must file with the grievance commission clerk a report of their findings of fact, conclusions of law, and recommendations within 60 days of the date set for filing of the last responsive brief and argument. The report must be titled in the name of the complainant versus the accused attorney as respondent. As part of its report, the grievance commission may recommend additional or alternative sanctions such as restitution, costs, practice limitations, appointment of a trustee or receiver, passage of a bar examination or the Multistate Professional Responsibility Examination, attendance at continuing legal education courses, or other measures consistent with the purposes of attorney discipline. The clerk of the grievance commission must promptly file the report with the supreme court clerk and must serve the report upon the complainant and the respondent as provided in Iowa Rule of Appellate Procedure 6.701. The matter then stands for disposition in the supreme court.

36.19(2) All reports and recommendations of the commissioners must be concurred in by at least 3 members of the division or at least 12 members of the grievance commission, as the case may be, all of whom must have been present throughout the proceedings. Any commissioner has the right to file with the grievance commission clerk a dissent from the majority determination or report. The clerk must promptly serve a copy of a dissent on the parties.

36.19(3) If the grievance commission dismisses the complaint or issues a private admonition, no report may be made to the supreme court except as provided in rule 34.13; however, the grievance commission must, within 10 days of its determination, serve a copy of its determination or report on the complainant and the attorney concerned as provided in this rule. If the complainant does not apply for an appeal within 10 days after such service, the grievance commission's determination is final.

36.19(4) If the commissioners dismiss the charges, no publicity will be given to any of the proceedings except at respondent's request.

36.19(5) A copy of the grievance commission's report must be filed with the Client Security Commission.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.19 formerly appeared as Iowa Court Rule 36.15. It is amended to conform an internal reference to the new rule numbers and to complement rule 36.20. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.20 Additional time for decision upon request. If the grievance commission cannot reasonably make its determination or file its report within 60 days of the date set for the filing of the last responsive brief and argument, the division president may file a request for an extension of time with the grievance commission clerk prior to expiration of the 60-day period. The clerk must serve a copy of the request on the grievance commission chair and the parties. The grievance commission chair must file a written decision on the extension request with the grievance commission clerk, who must serve a copy on all parties. If the division fails to file its decision or a request for an extension of time within 60 days of the date set for the filing of the last responsive brief and argument, the grievance commission clerk must promptly notify the executive director of the office of professional regulation of the failure.

[Court Order January 26, 2016, effective April 1, 2016; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 36.20 formerly appeared at Iowa Court Rule 35.10. It is amended to conform an internal reference to the new rule numbers and to reflect the provisions moved to or already present in rule 36.19. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.21 Supreme court disposition if no appeal.

36.21(1) Within 14 days after a report is filed with the supreme court clerk, the grievance commission clerk must transmit to the supreme court clerk the entire record made before the grievance commission. If no appeal is taken or application for permission to appeal is filed within the 10-day period provided in rule 36.22, the supreme court will set a date for submission of the grievance commission report. The supreme court will notify the parties that they may file written statements with the supreme court in support of or in opposition to the discipline the grievance commission recommends. Statements in support of or in opposition to the recommended discipline must be served and filed no later than seven days before the date set for submission. Upon submission, the supreme court will proceed to review de novo the record made before the grievance commission and determine the matter without oral argument or further notice to the parties. Upon de novo review the supreme court may impose a lesser or greater sanction than the discipline the grievance commission recommends.

36.21(2) The supreme court may revoke or suspend the license of an attorney admitted to practice law in Iowa upon any of the following grounds: conviction of a felony, conviction of a misdemeanor involving moral turpitude, violation of any provision of the Iowa Rules of Professional Conduct, or any cause now or hereafter provided by statute or these rules.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.21 formerly appeared as Iowa Court Rule 35.11. It is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.22 Appeal.

36.22(1) Pursuant to rule 36.19, the respondent may appeal to the supreme court from the report or recommendation the grievance commission files. The respondent's notice of appeal must be filed with the grievance commission clerk within 10 days after service of the report or recommendation on the respondent. The respondent must serve a copy of the notice of appeal on the complainant pursuant to Iowa Rule of Appellate Procedure 6.701. Promptly after filing the notice of appeal with the grievance commission clerk, the respondent must mail or deliver a copy of the notice to the supreme court clerk.

36.22(2) The complainant may apply to the supreme court for permission to appeal from a determination, ruling, report, or recommendation of the grievance commission. The application must be filed within 10 days after service of the determination, ruling, report, or recommendation on the complainant. The supreme court may grant such appeal in a manner similar to the granting of interlocutory appeals in civil cases under the Iowa Rules of Appellate Procedure. The filing fee and the docket fee may be waived upon the complainant's written request.

36.22(3) An appeal of the grievance commission's dismissal of a complaint or of the grievance commission's decision to issue a private admonition must remain confidential. In making such application, and in any subsequent briefs, the complainant must refer to the respondent as "Attorney Doe No. (insert grievance commission number)," instead of using the respondent's name. All

references to the respondent during oral arguments must be to “Attorney Doe.” In the event the supreme court reverses or modifies the report of the grievance commission, the court order of reversal or modification is a public record.

36.22(4) After a notice of appeal is filed or permission to appeal is granted, the appeal must proceed pursuant to the Iowa Rules of Appellate Procedure to the full extent those rules are not inconsistent with this chapter. Within seven days of the filing of the notice of appeal or the filing of the order granting permission to appeal, appellant must pay the filing fee pursuant to Iowa Rule of Appellate Procedure 6.702 and must file the combined certificate Iowa Rule of Appellate Procedure 6.804 requires. The matter must be captioned under the title given to the action before the grievance commission with the appellant identified as such pursuant to Iowa Rule of Appellate Procedure 6.109(2), unless rule 36.22(3) requires otherwise. The abbreviated time limits specified in Iowa Rule of Appellate Procedure 6.902 apply. Extensions of time must not be granted except upon a verified showing of the most unusual and compelling circumstances. Review is de novo. If a respondent’s appeal is dismissed for lack of prosecution pursuant to Iowa Rule of Appellate Procedure 6.1202 or for any other reason, the supreme court must proceed to review and decide the matter pursuant to rule 36.21 as if no appeal had been taken.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.22 formerly appeared as Iowa Court Rule 35.12. It is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.23 Harmless error; substantial prejudice test. An omission, irregularity, or other defect in procedure will not render void or ineffective any act of the grievance commission, division, or any member thereof unless substantial prejudice is shown to have resulted.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.23 formerly appeared as Iowa Court Rule 36.17. It is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.24 Costs.

36.24(1) In the event that an order of revocation, suspension, or public reprimand results from formal charges of misconduct, the supreme court will assess against the respondent the costs of the proceeding. For the purposes of this rule, costs include those expenses normally taxed as costs in state civil actions pursuant to the provisions of Iowa Code chapter 625. Transcript costs for hearings before the grievance commission are not subject to the maximum compensation amounts for shorthand reporters set forth in Iowa Court Rule 22.28. Transcript costs will be taxed at the actual amount the grievance commission expends.

36.24(2) Within 30 days of the filing of the grievance commission report, the clerk of the grievance commission must serve the complainant and the respondent with a bill of costs and file the bill with the supreme court clerk. An appeal does not obviate this requirement. The complainant and the respondent have 10 days from the date of service to file written objections with the supreme court and the grievance commission clerk. Any objections filed must be considered by the grievance commission division president or the president’s designee. The president or the designee must rule on the objections within 10 days. The supreme court will consider the ruling and objections upon disposition of the matter under rule 36.21 or 36.22. The supreme court clerk must tax additional costs associated with an appeal as in other civil actions.

36.24(3) In its final decision, the supreme court will order the respondent to pay restitution to the complainant for such costs as the supreme court may approve. A suspended or disbarred attorney may not file an application for reinstatement or readmission until the amount of such restitution for costs assessed under this rule is fully paid or waived by the supreme court.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 36.24 formerly appeared as Iowa Court Rule 35.27. It is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.25 Forms.**Rule 36.25 — Form 1: *Notice of Complaint.***

Before the Iowa Supreme Court Grievance Commission	
Iowa Supreme Court Attorney Disciplinary Board, Complainant, vs. _____, Attorney at Law, of <i>Full name: first, middle, last</i> _____, Iowa Respondent.	Notice of Complaint

To: _____
Respondent's name

Respondent:

You are notified that there is now a complaint on file with the Iowa Supreme Court Grievance Commission Clerk at the Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319, alleging that you have committed unethical practices as an attorney and counselor at law.

A copy of the complaint and a copy of chapter 36 of the Iowa Court Rules are attached and made a part of this notice.

You are further notified to file your written answer to the complaint within 20 days from the completed service of this notice and to abide by any further orders of the grievance commission made in accordance with chapter 36 of the Iowa Court Rules.

You are further notified that the grievance commission will hear this complaint in accordance with the rules and will take action as may be warranted by the facts and circumstances disclosed at the hearing.

Dated this _____ day of _____, 20_____.
Month Year

Grievance Commission Clerk
 Iowa Judicial Branch Building
 1111 East Court Avenue
 Des Moines, Iowa 50319